

CHAPTER 18.

ZONING

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This ordinance shall be known as the “Zoning Ordinance of the City of Poulan, Georgia” for the purpose of setting forth standards and permissible uses designed to secure safety, to promote health, aesthetics, and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing the City into districts of such size and shape as may be best suited to carry out the purposes of the legislative act and of this ordinance.

ARTICLE I. INTRODUCTION.

Section 18.1 Authority for Enactment.

The City Council of the City of Poulan enacts this ordinance under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV, Planning and Zoning.

Section 18.2 Jurisdiction.

This ordinance shall only apply to the area within the corporate limits of the City of Poulan.

Section 18.3 Application of Ordinance.

The requirements of this ordinance are declared to be minimum requirements and shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner any easements, covenants, or other agreements between parties. However, whenever the provisions of this ordinance impose greater restrictions upon the use of land or buildings than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the

provisions of this ordinance shall govern.

Sections 18.4 - 18.5

Reserved.

ARTICLE II. DEFINITIONS.

Section 18.16 Definitions.

For the purposes of this ordinance, certain words and tenses used herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future tense.

The singular number includes the plural, and the plural number includes the singular.

The word "person" includes a corporation, partnership, or association as well as an individual.

The term "shall" is always mandatory and not merely directory.

Terms not herein defined shall have the meanings customarily assigned to them.

The term "governing body" shall mean the City Council of the City of Poulan, Georgia.

Accessory Building: A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bath houses (used in conjunction with swimming pools), and similar uses.

Accessory Use: The use customarily incidental and accessory to the principal use of a building located upon the same building site as the principal use.

Adult Entertainment Businesses: Any business such as motion pictures, theaters, mini-motion theaters, erotic dancing, escort services, book stores, etc. characterized by an emphasis on sexual activities.

Agriculture: Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land six acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off the public right-of-way.

Airfield: Any area of land or water utilized for the landing or taking-off of aircraft.

Alley: Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

Alteration: Any change, addition, or modification in construction or type of occupancy; any change in the structural members of the building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

Ambulatory: In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches, or hand rails, or by propelling a wheelchair; and able to perceive an emergency condition, whether caused by fire or otherwise, and escape without human assistance using the normal means of egress.

Apartment: A room or suite of rooms used as dwelling for one family which does its cooking therein.

Apartment Houses: A residential structure containing three or more apartment units.

Automobile Wrecking Yard, Automobile Used Parts, or Auto Graveyard: Anywhere three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition for automobile parts.

Basement: A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

Block: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, drainage ways, or boundary lines of municipalities or counties.

Boarding House: A residence or part thereof where meals or lodging and meals are provided for compensation to three or more persons by prearrangement for definite periods. A boarding house is to be distinguished from a hotel, motel, or a nursing home.

Buffer: That portion of a given lot, not covered by buildings, pavement, parking, access, and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable Area: The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of any person, animal, or goods. Where roofed structures are separated from each other by party walls having no opening passage, each portion so separated shall be considered a separate building.

Building Inspector: The Building Inspector of the City of Poulan or his/her representative.

Building Line: A line established, in general, parallel to the front right-of-way line between which line and the front right-of-way line no part of a building shall project, except as otherwise provided by these regulations. Minimum building lines are set by this ordinance.

Building Height: The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof surface.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Caretaker or Employee Residence: An accessory residence located inside or in addition to the principal structure or use of a parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's orderly operation or safety.

Clerk: The City Clerk of the City of Poulan, Georgia.

Clinic: A professional office where the services of more than one practitioner can be obtained, where patients are studied or treated on an out-patient basis, and where no overnight accommodations are provided.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

Curb Cut: An existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an abutting public street.

Conditional Use: A use which within certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the City Council after the Planning Commission: (1) has reviewed the proposed site plans for the use, its arrangement and design, its relationship to neighboring property, and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; and (2) has found the proposal not to be contrary to the intent of this ordinance. All conditional use applications will follow the same public notice, public hearing, and review process as any application for rezoning. Additionally, any application for conditional use of a particular parcel or property which is denied by the City Council may not again be considered until the expiration of at least 12 months.

Convalescent Home: A convalescent home is a home for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state laws.

Day Care Facility: A day care facility is an individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for profit. Day care is not a baby-sitting

service to be used for the convenience of the parents at irregular intervals (drop-ins).

a. A Group Center (day nursery, day care center) is defined as a facility for six or more children, regardless of age, whose primary purpose is the care of children for part of a day while the children's parents are absent from home.

b. A Nursery School is defined as a school for two-, three-, and four-year-old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for the healthy emotional and social development of children.

c. Kindergarten is defined as a school for four- and five-year-old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for the healthy emotional and social development of children.

d. Family Day Care is defined as a service in a private home offering care in a family setting to a maximum of five children, including the foster family's own children, during part of the day while the natural parents are absent from their home.

e. Adult Day Care is defined as personal care and supervision in a protective setting for adults outside their own home for less than 24 hours per day. The program may include the provisions of daily medical supervision, nursing, and other health care support, psycho-social assistance, or appropriate socialization stimuli, or a combination of these. Adult Day Care is available for those persons who do not require 24-hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full-time independent living.

Density: The number of dwelling units developed on an acre of land. As used in this ordinance, all densities are stated in dwelling units per gross acre.

District: A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Drive-in Establishment: A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

Drive-in Restaurant: A restaurant or other establishment serving food and/or drink so developed that its retail or services character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

Dwelling, Single Family: A building used or designed for use as a residence for a single family.

Dwelling, Two Family (Duplex): A duplex is a building either designed, constructed, altered, or used for two adjoining dwelling units that are connected by a common wall and, if two-story, by a common floor.

Dwelling, Multiple: A building or portion thereof used or designed as a residence for three or more families living and cooking independent of each other in said building. This definition includes three-family houses, four-family houses, and apartment houses but does not include hotels, motels, trailer camps, or mobile home parks.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of the erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities, governmental departments, or commissions of underground, surface, or overhead gas, communication, electrical, steam, fuel, or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety, convenience, or welfare.

Family: One or more persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished from a group occupying a boarding house or personal care home.

Farm: A platted or unplatted parcel of land 20 acres or more in an area which is used for growing crops, raising livestock or other agricultural purposes.

Farm, Mini: The use of parcels of land between six and 100 acres in size for agricultural related activities within agricultural zoning districts.

Farm Stand: A booth or stall located on a farm from which produce and farm products are sold to the general public.

Fast Food Restaurant: A fast food restaurant is defined as a restaurant that has all of the following characteristics:

- a. Its principal business is the sale of food items and beverages of the kind which can readily be taken out of the restaurant for consumption off the premises.
- b. Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper, Styrofoam or other disposable containers.
- c. Service is not customarily provided to customers at their tables by employees of the

restaurant.

Filling: The depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

Flea Market: An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts, or any other combination of new or used goods. These markets, sales, and displays are those that occur continuously or frequently and, specifically, more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial staff, or designated area from which the vendor markets his/her goods.

Flood Plain: A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

Foster Child: A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and education.

Garage, Private: An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

Garage, Public: Any premises used for the storage or care of motor vehicles or place where any such vehicles are equipped for operation, repaired, or kept for pay, hire, or sale.

Garden, Private: A non-commercial private garden in which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

Group Home: A residential use (home) of a property for the care of individuals in the home environment which have mental and/or developmental disabilities or individuals who will benefit socially from living in a group environment. All group homes must be licensed by the appropriate state agency.

Half-way House: A group home facility which is licensed or supervised by any federal, state, or county to be used for health/welfare rehabilitation or similar purposes.

Home Occupation: Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction, open storage or signs not customary in residential areas. One non-illuminated name plate, which is not more than two-square feet in area, may be attached to the building which shall contain only the name and occupation of the

resident of the premises. Clinics, hospitals, child care centers, and day nurseries, among others, shall not be deemed to be home occupations.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Industrialized Building: A structure or component which is wholly or in substantial part made, fabricated, formed, or assembled in or at manufacturing facilities and delivered to a building site for fabrication and installation. Such structure or component should bear an insignia, label, or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

Junk: Any motor vehicle, machine, appliance, scrap material, or other items that are in a condition which prevent its use for the purpose for which it was originally manufactured.

Junkyard: Includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof but does not include vehicles or machinery or parts thereof, nor does it include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three or more dogs, four months or older, are kept either permanently or temporarily for commercial or breeding purposes.

Laboratory: A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

Landscape Strip: That portion of a given lot not covered by buildings, pavement, parking, access, and service areas established as landscaped open space, the width of which is measured from the common property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences, or other approved features designed and arranged to produce an aesthetically pleasing effect within the development.

Loading Space: An off-street space on the same parcel of property with the building or group of buildings, such space to be used for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging House: A lodging house or rooming house is a building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangement.

Lot: A parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incidental to it, and including open spaces not less in extent than those required in connection therewith by these regulations.

Lot Area: The size of a lot measured within the lot lines as expressed in terms of acres or square feet.

Lot, Corner: A lot abutting on two streets at their intersection.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean distance between the front and rear lot lines.

Lot, Double Frontage: An interior lot having frontages on two or more parallel streets, as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street on the plat, and the request for a building permit will indicate which street is the designated front street.

Lot Frontage: That portion of a lot extending along a street right-of-way line.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines bounding a lot.

a. *Front Lot Line:* On a lot abutting upon a public street, the front lot line shall mean the line separating such lot from such public street right-of-way.

b. *Rear Lot Line:* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular shaped lot, the City shall designate the rear lot line.

c. *Side Lot Line:* Any lot line that is not a front or rear lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a map or plat on file with the Clerk of Superior Court of Worth County, Georgia, and which actually exists as shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

Lot, Through: A lot, other than a corner lot, having frontage on more than one street.

Lot Width: The distance between the side lot lines measured along the front building line and parallel to the street right-of-way.

Manufactured Home: A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.

Manufactured Home Park: A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding 30 days for mobile homes and, under some conditions, travel trailers.

Manufactured Home Stand: The site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections, and off-street parking facilities.

Mobile Home: A manufactured home built before June 15, 1976. They do not meet current building codes.

Modular Homes: Factory built housing certified as meeting local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Motor Vehicle Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting; but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

Motor Vehicle Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Non-conforming Use: Any building or land use which lawfully exists at the time of adoption of this ordinance and which does not now conform with the use regulations of the district in which it is located.

Nursery (Tree and Shrub): An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Off-street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two automobiles.

Open Air Business Uses: Open air business use shall include the following:

- a. Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer,

trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

b. Retail sale of fruits and vegetables.

c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

d. Bicycle, trailer, motor vehicles, mobile homes, boats, or home equipment sales, services, or rental services.

e. Outdoor display and sale of prefabricated storage buildings, garages, swimming pools, and similar uses.

Open Space, Landscaped: That portion or portions of a given lot, not covered by buildings, pavement, parking access and service areas, set aside and maintained as a buffer, landscape strip, or other approved open area.

Parking Space: An area of not less than nine feet wide and 20 feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

Personal Care Home: A dwelling in which aged or infirm persons are boarded and receive personal care on a 24-hour basis. All such homes shall be licensed by the appropriate state agency.

Planned Unit Development: A planned unit development is a single parcel of land within which a number of buildings (uses) are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land subdivision. Examples of a planned unit development (PUD) include a complex of apartment buildings, offices, and a shopping center with a number of stores.

Prime Farm Land: Land in the City which is best suited for producing food, feed, forage, fiber, and oil seed crops and also available for these uses. It has the soil quality, growing season and moisture supply needed to produce sustained good yield of crops economically if treated and managed, including water management, according to modern farming methods.

Produce Stand/Curb Market: A permanent or semi-permanent building stand not exceeding 200 square feet of floor area intended to provide a place to sell at retail only perishable farm and garden vegetables and orchard or grove fruits but not including buildings or structures erected by a bona fide farmer for the sale of seasonal produce grown on their land in an Agricultural Zoning District.

Recreation Facility, Commercial: A recreation facility operated as a business and open to the public for a fee.

Reference Level: The reference level for any building is seven inches above the existing curb, or in the absence of an existing curb, above the crown of the adjacent public road.

Rubbish: The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing offices, and construction enterprises, including other waste material such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, and similar or related combinations thereof.

Rural Business: A rural business shall be a small office or small scale retail sales or service type business which shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural businesses shall be similar to home occupations, except that the activity can occur in an accessory structure detached from the principal residence.

Screening: Also referred to in the text as “protective screening” is a visual and acoustical barrier which, through the use of buffers, natural topography, landscaping, fences, walls, berms, or approved combinations thereof, is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet that screens structures and activities on the lot from view from the normal level of a first story window on an abutting lot.

Service Station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, aircraft, or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles, and including space for facilities for the temporary storage of vehicles, minor repair, or servicing.

Shopping Center: A sign which directs attention to a business, professional product, service, activity, or entertainment conducted, sold, or offered on the premises at which the sign is located.

Sign, Free-standing: A sign which is supported by one or more columns, uprights, or braces in or upon the ground, or by another structure, the sole purpose of which is to support the sign. A free-standing sign is not attached to a building.

Sign, General Advertising: A sign which directs attention to a business, profession, idea, product, service, activity, or entertainment not conducted, sold, or offered on the premises upon which the sign is located. It may either be free-standing or be attached to the building. A general advertising sign is commonly known as a “billboard.”

Sign, Wall: A sign which is attached to the wall of any building. A wall sign shall project not more than 12 inches from the building.

Sign, Area: The smallest square, rectangle, triangle, circle, or combination thereof that

encompasses the entire area devoted to advertising, information, or identification. The term “sign area” includes trim but excludes structural supports. In the case of a sign with two sides for display, one side only shall be counted in determining sign area.

Single Parcel Ownership: Possession of a parcel of property wherein the owner does not own adjoining property.

Soil Removal: The removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay, or similar materials or any combination thereof, except common household gardening and general farm care.

Stable, Commercial: Any place established for gain or profit at which more than four adult horses are kept for the purpose of training, boarding, riding, sale, or breeding, or where instruction pertaining to the same is given for a fee.

Story: That portion of a building, other than the cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of these regulations, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

a. GROUND STORY: The lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.

b. HALF-STORY: The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said story.

c. MEZZANINE: Shall be deemed a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is 24 feet or more.

Street: A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A PUBLIC STREET is a street accepted by dedication or otherwise by the governing body. A PRIVATE STREET is a street not so accepted.

Structure: Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Among other things, structures include buildings, manufactured homes, signs, swimming pools, and fallout shelters but does not include walls or fences.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders, or any change in the width or number of exits, or any structural change in the roof.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes re-subdivision and, where appropriate to the context, related to the process of subdividing or to the land or area subdivided; however, the following are not included in this definition:

a. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the standards of these regulations and all other ordinances and resolutions of the City; provided, however, that no changes in roads or drainage are proposed or necessary.

b. Subdivision into parcels which have 25 acres or more, provided that the “cut-off” tract or the resultant tract with which it is combined will then front on a public road a minimum distance of 150 feet.

Subdivision Regulations: Regulations as adopted by the governing body governing the subdivision of land.

Travel Trailer: A motorized camper, converted bus, tent-trailer, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation, recreation, or other trips which provide sleeping accommodations.

Travel Trailer Park: Trailer park where the principal use is for overnight tourists or for vacationers whose stay will not exceed 45 days.

Truck Terminal: A building and premises catering primarily to trucks which may include warehousing facilities and may include the functions and services of a mechanical garage but shall not include the storage of trucks or other vehicles for the purpose of using parts for sale or repair.

Undue Hardship: A condition which shall be considered to exist only when one or more of the following apply to a particular piece of property, and such condition has not been created by action of the property owner.

a. The owner cannot comply with the provisions of this ordinance without violation of some other ordinance or some section of this ordinance.

b. The provisions of this ordinance create for the property owner a peculiar condition not common to other nearby property owners.

c. A conforming use or requirement is incongruous with the remainder of the area in which the property is located.

d. The topography of the land or shape of a particular lot precludes a conforming use.

Variance: A deviation from the strict application of this ordinance which may be permitted after review of the Planning Commission and approval by the City Council. Such deviation will not be contrary to the public interest, and where owing to conditions unique to the individual property on which the variance is sought and not as a result of any action on the part of the property owner, a literal enforcement of this ordinance would result in unnecessary and undue hardship; provided, however, that no variance will be granted which shall authorize a land use not otherwise permitted in a particular district. See Article IV, Section 18.38, for the criteria to be utilized in the review of variance requests.

Water Station: A facility for supplying water storage tanks of dependent trailers with potable water.

Yard: A space on the same lot with a principal building which is open, unoccupied, and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted. The yard adjacent to the public street or road shall be considered the front yard.

Sections 18.7 - 18.10

Reserved.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS.

Section 18.11 Districts.

The area located within the corporate limits of the City are hereby divided into 10 classes of districts as follows:

AG	Agricultural-Limited Residential District
R-1	Single-Family Residential District
R-2	One-, Two-, and Multiple-Family Residential District
R-PUD	Residential Planned Unit Development Districts
R-MHP	Mobile Home Parks
C-1	Community Business District
C-2	General Commercial District
C-PUD	Commercial Planned Unit Development District
M	Manufacturing District
FH	Flood Hazard District

Section 18.12 Limited Use (L.U.) Provision.

The City established the “Limited Use” provision for the purpose of allowing an applicant to request that a certain area be designated for a limited use. In some areas of the City, a particular land use activity out of a general zoning classification may have less community impact than some of the possibilities of uses in that specific classification. For this reason, an applicant may request in the zoning petition to limit the use of a proposed property to a specified use only (i.e., C-1 L.U.); to-wit: Community Business District limited to a “Beauty Shop.”) The limited use must be among the uses permitted in the zone classification for which the limited use is taken.

Section 18.13 District Boundaries.

The boundaries of the above districts are shown on a set of maps designated “OFFICIAL ZONING MAPS, CITY OF POULAN, GEORGIA.” The Worth County Tax Parcel Maps are the base maps for the City’s zoning districts, and all of these tax parcel maps are hereby designated AG, Agricultural-limited Residential District, unless otherwise designated on said map.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Maps, the following rules shall apply:

- a. Where zoning district boundaries are indicated as approximately following the center lines of roads or highways or railroad right-of-way lines extended, such center lines or railroad right-of-way lines or such lines extended shall be construed to be such boundaries.
- b. Where district boundaries are indicated as approximately following the county line,

the corporate limits line of the City, the militia district line of any militia district, or the land lot line of any land lot, such county line, corporate limits line, militia district line, or land lot line shall be construed to be such boundaries.

c. Where district boundaries are indicated as approximately parallel to the center lines of streets or highways, such district boundaries, unless otherwise specifically indicated, shall be construed as being parallel thereto and at a distance of 200 feet from the right-of-way line of such streets and highways, each above district boundary being shown at scale on the Official Zoning Map of the City of Poulan, Georgia.

d. Where district boundaries are indicated as approximately following the center line of stream beds or river beds, such center lines or such lines extended shall be construed to be such boundaries.

Section 18.14 **District Boundary Lines Dividing a Lot of Single Ownership.**

Where a district boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lines shall be extended to the balance of the lot, provided that such extension will not include any part of such lot more than 35 feet beyond the district boundary line and provided further that this provision shall not apply to a through lot. In the case of a through lot, the restriction of the district applying to the adjoining lots which front on the same street as the proposed use of the lot shall apply. A through lot shall mean a lot that runs from street to street.

Sections 18.15 - 18.20 **Reserved.**

ARTICLE IV. GENERAL PROVISIONS.

Except as hereinafter specifically provided, the following regulations shall apply:

Section 18.21 **Conflicting Regulations.**

Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this ordinance shall govern.

Section 18.22 **Scope.**

No building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, altered, or maintained, and no new use or change shall be made or maintained of any building, structure, land, or part thereof, except in conformity with the provisions of this ordinance (farm accessory buildings excluded).

Section 18.23 **Only One Principal Dwelling per Lot.**

Except as herein provided, there shall be no more than one principal dwelling per lot or parcel other than within PUD Districts. However, in AG Districts within the corporate limits of the City, there shall be permitted as many as four residential uses on any parcel of land under single ownership where the following conditions can be met:

- a. The purpose for this special use is to support established farming operations located on the property being requested.
- b. Each such non-principal residential use shall occupy a land area not less than 40,000 square feet in size.
- c. Each such land area shall be so defined by permanent physical markers as to be given a numerical address and location designation.
- d. Each such land area shall receive approval from the Worth County Health Department as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- e. An acceptable domestic water supply shall be available to each satellite user of this special provision, and such water supply shall meet local public requirements as administered by the Worth County Health Department.
- f. Each such use shall be accessible either by private drive or public roadway to the public thoroughfare system.

g. Individual power supply sources shall be provided to each user under this special provision, and each utility installation shall meet such standards as have been adopted by local authorities.

h. Facilities established under this special provision for residential use shall meet the requirements of local construction and use codes established by the City Council.

i. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Zoning Administrator. In addition, any change in use or occupancy must be approved by the Zoning Administrator.

Section 18.24 **Substandard Lots.**

Any residentially zoned lot which was of record at the time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards or other area or open space, may be utilized for single residence purposes, provided the area from such yard or court in width, depth, or open space is not less than 75 percent of that required by the terms of this ordinance. However, all substandard lots must have the approval of the Worth County Health Department for the placement of wells and septic tanks. The purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

Section 18.25 **Frontage.**

Every principal building shall have required frontage upon a public street except in the case of planned unit developments variations may be allowed by the Planning Commission with due regard for the overall health, safety, welfare, and convenience of the people.

Section 18.26 **Dwellings Other than Main Structure.**

No residential structure shall be erected or placed upon the rear or side of a lot or upon a lot with another dwelling.

Section 18.27 **Site Distance at Intersections.**

In all zoning districts, no fence, wall, hedge, or shrub planting which obstructs the site lines at elevations between two and 12 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 24 feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines extended. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained to comply with the above site lines.

Section 18.28 **Reduction of Lot Area Prohibited.**

No lot shall be reduced in size so that yard, lot width, lot area, or other requirements of this ordinance are not maintained.

Section 18.29 **Accessory Buildings.**

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to principal buildings.
- b. Accessory buildings except garages shall be erected in any required yard except a front yard, providing that in no instance shall such a building be nearer than five feet to any adjoining side lot line or rear lot line.
- c. An accessory building shall not exceed one story or 14 feet in height, and in no instance shall the accessory building exceed the ground floor area of the principal building.
- d. No detached accessory building shall be located closer than 15 feet to any principal building.
- e. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- f. When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
- g. Garages, in any residential zoning district, shall not be erected closer to the side lot line than the permitted distance for the principal dwelling, unless the garage shall be completely to the rear of the dwelling, in which event, the garage may be erected five feet from the side and rear lot line.
- h. Carports, in any residential zoning district, shall not be erected, constructed, or altered closer to the side lot line than the permitted distance for the principal dwelling nor beyond the front line of the house to which it is attached.
- i. Mobile homes are prohibited from use as an accessory building. Mobile homes formerly serving as the principal dwelling on a lot or parcel, but which are replaced and can no longer be classified as the principal dwelling on the lot or parcel where located, shall be removed within 30 days of the date of occupancy of the principal dwelling.

Section 18.30 **Prohibited Uses in All Residential Districts.**

- a. It shall be prohibited use in all residentially zoned districts and residential lots to park or store in the open any wrecked or junked vehicle, power-driven construction equipment, used lumber, metal, rubbish, or any other miscellaneous scrap or salvageable material in quantity.
- b. Tractor-trailer combinations, tractors, or trailers shall not be placed or stored in residentially zoned districts.
- c. Kennels.
- d. Wrecked or junked vehicles in “open” buildings.

Section 18.31 **Protective Screening.**

In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply.

Adjacent Residential Property. Where a Manufacturing or Commercial District abuts directly upon a residentially zoned district, a landscaped greenbelt not less than 20 feet wide shall be provided and maintained along its entire length by the users of these properties. These districts shall be screened from such contiguous residentially zoned district. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, and/or ornamental trees set not closer than six feet to the fence or wall.

The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition.

All planting plans shall be first submitted to the Planning Commission for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this ordinance.

If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Commission may waive such requirements.

Section 18.32 **Animals in Residential Districts.**

It is the intent of this section to permit certain uses in residential zoning districts (R-1 and R-2) which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character. This section is further intended to minimize problems which may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare, and preservation of residential

districts from indiscriminate raising of animals.

a. **Uses Permitted:**

1. Livestock: Horses, cows, ponies, donkeys, and other domestic livestock may be kept, raised, or bred for home use and enjoyment; provided that only one such animal shall be permitted for each two acres of land area and shall be adequately contained by fence within that property. The keeping of any swine is specifically prohibited.
2. Domestic Pets: Cats, dogs, rabbits, or other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment.
3. Fowl: Ducks, quail, chickens, turkeys, pigeons, pheasants, etc., may be raised for home use; provided that such fowl are adequately contained (pen) within that property.
4. These permitted use provisions for animals in residential districts are meant to apply only outside the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.
5. All animals will be maintained at least 25 feet from any property line.

b. **Uses Prohibited:**

1. The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts (R-1 and R-2).

Section 18.33 **Recreational Vehicles.**

Recreational vehicles shall not be utilized as a permanent dwelling in any zoning district. (Occupancy exceeding 30 days shall be considered permanent.)

Section 18.34 **Mobile Homes.**

No manufactured home or mobile home shall be admitted to any mobile home park or permitted to be placed within the City of Poulan unless it can be demonstrated that it meets the requirements of the Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976, and bears and insignia issued by HUD certifying such conformance. Manufactured homes constructed prior to the effective date of the above standards shall bear the

Mobile Home Manufacturers Association and Trailer Coach Association (MHMA-TCA) seal.

Section 18.35 **Mobile Home Safety Tie-down.**

All mobile homes within the City shall be installed with adequate safety tie-downs.

Section 18.36 **Skirting.**

All mobile homes must be properly skirted. (See Section 18.89).

Section 18.37 **Conditional Uses.**

(Public Hearing Required). Before a building permit or certificate of occupancy shall be issued for a conditional use, application shall be made to the Planning Commission which, after careful review of any applicable sections of this ordinance, may recommend to the City Council the issuance of such permit or approval, if in the judgment of the Planning Commission it will not be detrimental to the health, safety, and general welfare of the City.

An application to establish a conditional use shall be approved following a review by the Planning Commission and a determination by the City Council that:

- a. The proposed use will not be contrary to the purposes of this ordinance.
- b. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.
- c. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fumes generation, or type of physical activity.
- d. The proposed use will not be affected adversely by the existing uses; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
- e. The parking requirements and all development standards set forth for each particular use for which a permit may be granted have been met.
- f. Provided that the City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood, and provided that wherever the City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any term, condition, or restriction upon which such permit was granted are not being complied with, said City Council shall rescind and revoke such permit after giving due

notice to all parties concerned and granting full opportunity for a public hearing.

Section 18.38 **Appeals and Variances.**

a. The City Council shall hear and decide appeals where there is alleged error in any order, requirement, decision, or determination made by the Zoning Administrator in enforcement of this ordinance.

b. The City Council may authorize in specific cases such hardship variances from the terms of this ordinance as will not, in its opinion, be contrary to the public interest; where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship so that the spirit of the ordinance will be observed, public safety and welfare secured. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the City Council that:

1. there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. the application of the ordinance to this particular piece of property would create an unnecessary hardship;
3. such conditions are peculiar to the particular piece of property involved; and
4. relief, if granted, would not cause substantial detriment to the public interest or impair the purposes and intent of this ordinance; provided, however, that no variance may be granted for a use of land or building which use is prohibited by this ordinance. The City will control the actual use of properties through zoning and conditional uses and not through a grant of variance.

c. Variances will first be reviewed by the Worth County Planning Commission and recommendation made to the City Council. (Public Hearing Required).

Section 18.39 **Guest Houses.**

NUMBER: Guest Houses are accessory structures which are allowed in the agricultural and residential zoning districts subject to Health Department approval. Only one guest house is allowed per parcel or lot. Any living area included in a detached garage or swimming pool cabana is a guest house.

SIZE: The heated and finished floor area of a free-standing guest house shall not exceed 75 percent of the square footage of the heated and finished floor area of the principal dwelling. When a guest house is combined with a detached garage or cabana, the guest house portion

of the structure shall not exceed 75 percent of the heated and finished space contained in the principal dwelling.

USE PROHIBITED: A guest house which is inhabited by a person or persons based upon an oral or written lease for value is prohibited. In the event an accessory structure which satisfies the requirements of this section is inhabited by a person or persons based upon an oral or written lease, the accessory structure for purposes of this ordinance shall be construed to be a principal structure. No more than one principal structure shall occupy any residentially or agriculturally zoned lot or parcel.

Sections 18.40 - 18.45

Reserved.

ARTICLE V. R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

Section 18.46 Statement of Purpose.

The Single-Family Residential District is established as a district in which the principal use of land is for conventional single-family detached dwellings. For the single-family residential district, in promoting the general purpose of this ordinance, the specific intention of this section is:

- a. To encourage the construction of and the continued use of the land for conventional single-family dwellings; and
- b. To discourage any land use development within the district which would generate traffic on minor or local streets, other than normal traffic, to serve the residences on those streets.

Section 18.47 Permitted Uses.

- a. Single-family detached dwellings, **except mobile homes, manufactured homes, and modular homes.**
- b. Accessory buildings or uses customarily incidental to any of the permitted uses when located on the same lot and not involving any business, profession, trade, or occupation; provided that all accessory buildings shall conform and be located as required in Section 18.30 of this ordinance.
- c. Off-street parking and loading in accordance with the requirements of Article XVII of this ordinance.

Section 18.48 Conditional Uses Permitted after Special Review by the Planning Commission and Approval by the City Council. (See also Section 18.37)

- a. Churches, provided that the proposed site for a church is not less than one acre, a complete site development sketch plan is submitted with the application, and provision is made for off-street parking.
- b. Public and private schools.
- c. Recreational developments including, but not limited to, private or public lakes, swimming pools, golf courses or driving ranges, or other recreational development, provided that a comprehensive development plan for the area is submitted to the Planning Commission and includes the location of the site on maps of not less than one inch = 400 feet scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water of sanitary facilities, plus a time schedule.

d. Cemeteries, provided that a complete site development sketch plan is submitted with the application.

e. Clubs and fraternal organizations not operating for profit provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and

2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group homes, and half-way homes.

h. Home Occupations, as restricted and defined in Article II.

i. Nursery schools, kindergartens, or day care facilities, provided that all state licensing requirements are met.

j. Other uses similar to the above and compatible with the local neighborhood and environment as interpreted by the Planning Commission and approved by the City Council.

k. All radio, cellular phone, or similar transmission/receiving towers.

l. Manufactured and modular homes.

Section 18.49 **Area, Height, and Setback Requirements.**

(In accordance with the Schedule of Regulations, Article XIX.)

Sections 18.50 - 18.55 **Reserved.**

**ARTICLE VI. R-2, ONE-, TWO-, AND MULTIPLE-FAMILY
RESIDENTIAL DISTRICT.**

Section 18.56 R-2, Residential District.

The intent of the R-2 Residential District is to provide for medium to higher density residential development, to provide for variety in the City's housing stock, encourage neighborhood maintenance and preservation, and to provide suitable areas for new multi-family development.

Section 18.57 Permitted Uses.

- a. Any use permitted in the R-1 residential district.
- b. Manufactured homes (Mobile homes, see Section 18.35).
- c. Modular homes.

Section 18.58 Conditional Uses.

- a. Churches, provided that the proposed site for a church is not less than one acre, a complete site development sketch plan is submitted with the application, and provision is made for off-street parking.
- b. Public and private schools.
- c. Recreational developments including, but not limited to, private or public lakes, swimming pools, golf courses or driving ranges, or other recreational developments, provided that a comprehensive development plan for the area is submitted to the Planning Commission and includes the location of the site of maps not less than one inch = 400 feet scale, the location and function of all buildings, and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water of sanitary facilities, plus a time schedule.
- d. Cemeteries, provided that a complete site development sketch is submitted with the application.
- e. Clubs and fraternal organizations not operating for profit, provided that:
 - 1. The buildings are not placed closer than 50 feet to any property lines; and
 - 2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

- f. Public buildings, structure or land uses.
- g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons, orphanages, group homes, and half-way homes.
- h. Home Occupations - as restricted and defined in Article II.
- i. Nursery schools, kindergartens, or day care facilities, provided that all state licensing requirements are met.
- j. Mortuaries.
- k. Professional offices.
- l. Boarding houses.
- m. Art, music, photographic, and dance studios.
- n. Duplexes.
- o. Multiple-family dwellings.*
- p. Townhouses (See Article II).
- q. Radio, cellular phone, or similar transmission/receiving towers.
- r. Other uses similar to the above and compatible with the local neighborhood and environment as interpreted by the Planning Commission and approved by the City Council.

Section 18.59 Area, Height, and Setback Requirements.

(In accordance with the Schedule of Regulations, Article XIX.)

Sections 18.60 -18.65 Reserved.

* For development of multiple-family areas of only one structure on any given site. The R-PUD development standards, Article VII, will govern multiple dwellings of more than one building on a given site.

ARTICLE VII. R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT.

Section 18.66 Residential Planned Unit Developments.

The objective of the Planned Unit Development District is to encourage ingenuity, imagination, and flexibility of design efforts on the part of builders, architects, site planners, and developers to produce land developments which are in keeping with density and open space objectives of the Zoning Ordinance, while departing from the strict application of use, setback, height, and minimum lot size requirements of the Zoning Ordinance. The intent of this section is to permit such flexibility and provide performance criteria for planned developments which:

- a. Permit a creative approach to residential development.
- b. Provide for an efficient use of land potentially resulting in more economical networks of streets and utilities thereby lowering housing and other land development costs.
- c. Enhance the appearance of neighborhoods through the preservation of natural features, the provision of recreation areas and open space.
- d. Provide an environment of stable character compatible with surrounding residential areas and other areas in the City.

Section 18.67 Permitted Uses.

In all R-PUD developments, no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified uses:

- a. One-, two-, or multi-family dwelling units, including townhouse dwellings.
- b. Mobile home parks.
- c. Recreational facilities.
- d. Churches, community clubs.
- e. Schools.
- f. Other governmental functions.

* For development of multiple-family areas of only one structure on any given site. The R-PUD development standards, Article VII, will govern multiple dwellings of more than one building on a given site.

Section 18.68 **Design Standards and Performance Criteria.**

- a. Location. The Planned Unit Development shall have access to streets outside the development that can adequately serve the traffic needs of the development. The Planned Unit Development shall also be adequately served by water and sewerage systems.

- b. Minimum size. The minimum size of a Planned Unit Development shall be three acres.

- c. Density. For the purpose of this ordinance, overall residential density for a Planned Unit Development shall not exceed: (1) One Family Dwelling Unit: One unit per 7,000 square feet of land; and (2) Multi-Family Unit: One unit per 3,630 square feet of land.

Section 18.69 **Open Space Requirement for Residential Planned Unit Developments.**

- a. As a prerequisite for approval of a R-PUD, Residential Planned Unit Development, a minimum of 20 percent excluding rights-of-way, easements, or paved areas of the gross residential acres plus one acre for each 100 residential units shall be allocated to local open space for the use of the residents of the Planned Unit Development. Each two square feet of existing and/or natural water surface periodically flooded (based upon the 100-year flood contour elevation) or inundated land may be credited as one square foot of land area for required open area. Land below the 100-year flood elevation can only be substituted for one-half of the required open space or common areas.

- b. Common open space must be used for amenity or recreation purposes and must be suitably improved for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition. Open space shall not be interpreted to include rights-of-way, easements, paved areas, or pending area of service areas.

- c. The development schedule must coordinate the improvement of the common open space, the construction of the buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the Planned Unit Development.

- d. The common open space shall be situated such that it will best serve the residents and be totally integrated within the various land uses of the Planned Unit Development.

Section 18.70 **Access.**

- a. Private vehicular access drives not maintained by the City throughout the Planned Unit Development site shall be paved to a minimum width of 20 feet.

Section 18.71 **Height.**

- a. The maximum building heights in all Residential PUDs shall be 35 feet.

Section 18.72 **Minimum Distance Between Buildings.**

a. The minimum distance between the buildings in any category of a R-PUD District shall be 20 feet.

b. Multi-family and townhouse structures shall be separated from one another by the following minimum distance:

- 1. Front to front arrangement..... 40 feet
- 2. Front to rear arrangement.....50 feet
- 3. Rear to rear arrangement 30 feet
- 4. Side to side arrangement 20 feet
- 5. All other combinations 20 feet

Section 18.73 **Off-Street Parking and Loading.**

- a. Shall meet all off-street parking and loading requirements of the Zoning Ordinance.

Section 18.74 **Pedestrian Circulation.**

a. The pedestrian circulation system and its related walk-ways shall be separated as completely as possible from the street or vehicular circulation system. All walks shall be of permanent nature and material and shall be of sufficient width to carry two people walking abreast.

Section 18.75 **Perimeter Control.**

a. The minimum setback from the exterior boundaries of the Planning Unit Development site shall be 25 feet or an appropriate setback to be compatible with the adjacent properties and buffered as needed and related to adjacent land development.

b. Buildings in excess of 35 feet in height shall be located within the Planned Unit Development in such a way as not to invade the privacy of the occupants of buildings of lesser height both on and off site.

c. Privacy walls and screening shall be provided where deemed necessary by the Planning and Zoning Commission for any type of Planned Unit Development.

Section 18.76 **Ownership.**

There shall be unified control of the entire site. Prior to final approval of the development plan, evidence of unified control of the entire site must be submitted to the Planning and Zoning Commission. In addition, an agreement by all owners of the Planned Unit Development which includes their commitment to:

a. Proceed with the proposed development in accordance with the Planned Unit Development plans as submitted and such conditions and safeguards as may be set by the City Council granting the rezoning;

b. Provide agreements and deed restrictions, acceptable to the City, for completion of such development according to plans approved at the time of rezoning and for the maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained by the City, pursuant to written agreement;

c. To notify and bind their successors in title to any commitments made in their petitions of PUD approval;

d. All plans approved shall be reviewed as a form of commitment to execute and development precisely as and only as submitted to and ultimately accepted and approved by the City Council. No variations, changes, departures, or exceptions to the approved plan shall be permitted except through the formal zoning amendment process;

e. After PUD Zoning has been given formal approval, no use shall be made of a PUD site except that which has been approved as a result of the application or the continuation of uses that existed at the time of application.

Section 18.77 **Phasing of Construction.**

The phasing of residential construction in any one residential density district shall not exceed the overall density requirement of the Planned Unit Development as a whole.

Section 18.78 **Procedures for PUD Rezoning.**

A petition for rezoning land to a Planned Unit Development, either Residential or Commercial PUD District, shall be submitted to the Zoning Administrator the same as any rezoning request.

a. A written statement to accompany the rezoning petition must contain the following information:

1. An explanation of the character of the Planned Unit Development and the manner in which it has been planned to take advantage of the Planned Unit Regulations.

2. A statement of present ownership of all of the land included within the development.
3. A general indication of the expected schedule of development.
4. An official legal description of the total area within the Planned Unit Development.

b. Preliminary Development Plan: An applicant shall submit a Preliminary Development Plan along with the written statement at the time of submission of the rezoning request. The Preliminary Development Plan must include all of the following information:

1. A Preliminary Site Plan at an appropriate scale depicting all existing masses of trees and other natural features including the topography of the land. A preliminary solution of all storm drainage needs shall be included.
2. The preliminary location and grouping of all uses and the amount of area for each, plus preliminary utility service plans.
3. The tentative location of each residential density district, the number of residential units proposed for each density district, their general location, proposed lot designs, and district lines. Tentative floor plans and exterior elevations, which need not be the result of final architectural decisions but which shall adequately describe the development.
4. A preliminary vehicular and pedestrian circulation system including driveways, walkways, loading areas, parking areas including the number of parking spaces and streets to be dedicated.
5. A system of open space and recreational uses in residential projects with estimates of acreage to be dedicated for public use and that to be retained in common ownership.
6. A draft of the declaration by which the use, maintenance, and continued protection of the planned development and any of its common open space areas shall be submitted.
7. A development schedule indicating: (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, (3) the anticipated rate of development, (4) the approximate dates when the stages in the development will be completed, and (5) the area and location of common open space that will be provided at

each stage.

c. The Planning Commission shall, after review by the appropriate City and County departments, hold a public hearing, review the Preliminary Development Plan, and forward their recommendation to the City Council for final approval of the Preliminary Development Plan. The Planning Commission's recommendations shall be based on the following:

1. The proposed Planned Unit Development does not affect adversely the orderly development of the City as embodied in the Zoning Ordinance and in any comprehensive plan or portion thereof adopted by the City Council.
2. The proposed Planned Unit Development will not affect adversely the health, safety, and welfare of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood.
3. The proposed Planned Unit Development will accomplish the objectives and will meet the standards and performance criteria as outlined in this ordinance.

d. Final Development Plan: Following the approval of the Preliminary Development Plan by the City Council, the applicant shall within six months submit to the Planning Commission a final development plan containing in final form the information required in the preliminary plan. Upon receipt of a request by the applicant, the City Council may extend for six months the period for filing the final development plan.

Upon receipt of the final development plan, the Planning Commission shall, after review by the appropriate City and County departments, review the final development plan to see that it is in compliance with the preliminary development plan and forward their recommendation to the City Council for final approval. The Planning Commission may recommend changes in the final development plan which comply with the following criteria:

1. The revised plan contains the same or a fewer number of dwelling units or other structures and/or floor area; or
2. The open space is in the same general location and in the same general amount, or a greater amount; or
3. The buildings have the same or less number of stories and/or floor area; or
4. The roads and drives follow approximately the same course.

e. Final Approval: The PUD zoning shall not be effective until the final development plan has been reviewed by the Planning Commission and given formal approval by the City Council.

No building permit shall be issued until the approval process is complete and all necessary plans, drawings, specifications, and other required data have been submitted and approved. No construction may commence until the entire approval process is completed and appropriate permits issued.

Sections 18.79 - 18.80

Reserved.

ARTICLE VIII. R-MHP, MOBILE HOME PARKS.

Section 18.81 Statement of Purpose.

The R-MHP District (25-acre minimum) is a planned development in the City which is used to accommodate mobile home parks. When such a development is proposed, the party or parties must petition for the rezoning of the subject parcel to R-MHP. If rezoning is granted after a public hearing, a complete site plan must be submitted to the Planning Commission/City Council for their approval prior to any development.

Section 18.82 Permitted Uses.

- a. Mobile homes, subject to the conditions set forth in Section 18.89 below.
- b. Travel trailers in accordance (see Article IX).
- c. Mobile home parks subject to the conditions set forth in Sections 18.86, 18.87, and 18.88 below.

Section 18.83 Conditional Uses.

- a. Public facilities or structures.
- b. Home occupations (as restricted and defined in Article II).

Section 18.84 Travel Trailers -- General Requirements.

Any travel trailer located within the City shall meet the following general requirements (see also Article IX):

- a. Occupancy.

The residential occupancy of a travel trailer shall be limited to short term occupancy of:

1. Sites specifically designed for travel trailers within mobile home parks; or
2. When a travel trailer is located on a lot in any residential district, it shall not be utilized as a residence or occupied by household members, their guests, or as a rental unit.

- b. Storage.

Travel trailers, when stored on a residential lot, shall be located at least 10 feet from

adjoining property lines and at least 10 feet from any residence unless stored within a portion of the dwelling or accessory structure. No plumbing facilities (both water and sewerage) in such trailers may be connected while they are stored. Storage of same on public rights-of-way is hereby prohibited.

Section 18.85 **Mobile Home Parks -- General Requirements.**

All mobile home parks located within the City shall meet the following general requirements:

- a. Establishment of Mobile Home Parks.
 - 1. A person, firm, or corporation desiring to develop a mobile home park within the City shall provide appropriate copies of a sketch plan of a proposed layout which shall conform to the minimum requirements stated herein and shall file said copies of said sketch plan with the Planning Commission for review.
 - 2. No private construction or public improvements shall commence on any land to be used as a mobile home park prior to the approval and certification of the required development plans.

- b. Expansion of Mobile Home Parks.

A person, firm, or corporation desiring to expand a mobile home park to include more mobile homes or mobile home sites shall submit plans and specifications for such improvements to the Planning Commission for review prior to initiating construction and improvements.

- c. Design.

The design of a mobile home park shall conform to the following design requirements:

- 1. Setback.

The mobile home park shall be so designed that mobile homes (and travel trailers) and their accessory structures shall be a minimum distance of 15 feet from adjoining property lines, 20 feet from internal park streets, and at least 30 feet from any publicly dedicated street. Mobile home stands shall be designed so as to provide a distance of at least 30 feet between mobile homes.

- 2. Access.

The mobile home shall have an entrance drive from a public street. Each mobile home site and its parking area shall have direct access to the internal street system with no direct access to public streets. The width and design of the entrance drive

and access drives shall be adequate to accommodate fire protection vehicles and equipment.

3. Streets.

Streets within a manufactured home park shall be privately owned, privately constructed, and privately maintained. Such private streets shall be well-drained and paved to City specifications with a minimum surface of 10 feet for one-way streets and 20 feet for two-way streets.

4. Parking.

Each mobile home stand shall be provided with a minimum of two off-street parking spaces. One additional parking space must be provided for every five dwelling units to accommodate guests. Parking on interior streets within a park is hereby prohibited. The required front yard may be used for the minimum parking; however, required side and rear yards may not be utilized for the minimum parking.

5. Minimum Area of Tract.

A mobile home park shall have a minimum size of 25 acres.

6. Minimum Number of Spaces.

A mobile home park shall have a minimum of 10 spaces prepared with all utilities in place prior to its approval for occupancy.

7. Density.

A maximum of four mobile home stands per acre or eight travel trailer stands per acre is allowed.

8. Length of Residential Occupancy.

No space within a mobile home park shall be rented for residential use of a mobile home except for periods of 30 days or longer.

9. Mobile Home Inspection.

It shall be the initial responsibility of each mobile home or trailer park operator to notify the Building Official to inspect mobile homes being placed within the confines of any park under this jurisdiction, control, or supervision for compliance with the provisions of this ordinance prior to the placement of any such mobile home on its

stand and within such park and prior to the connection of utility services to and occupancy of the mobile home.

10. Issuance of Permit.

At least once each year the Zoning Administrator, at his or her convenience, shall inspect each mobile home park and the mobile home units within said parks to determine that same are in full compliance with City codes. The Zoning Administrator shall issue a permit for each mobile home unit which in the course of each such inspection is found to be in full compliance with the requirements of this ordinance, and such permit shall be valid for a period of one year from the date of its issue.

Section 18.86 **Mobile Home Parks -- Improvements.**

Mobile home parks constructed or reconstructed within the City shall be provided with the following minimum improvements:

a. Sewage.

The mobile home park shall be provided with an approved sewerage collection system.

b. Water.

A potable water supply shall be provided by the park operator.

c. Easement.

Publicly dedicated easements of proper size for their respective intended purposes shall be provided within the park if individual mobile home stands and accessory park uses are to be serviced by a public utility system.

d. Utility Placement.

All water, sewer, or gas lines shall be buried a minimum of 18 inches below the finished ground surface of the park and shall be provided with adequate valve systems to follow the cutoff of utility service to a mobile home at the mobile home stand and at the entrance of the utility service from the stand to the trunk line of the utility system. Electrical service lines shall be placed underground.

e. Lighting.

All recreation areas (required for developments of 25 units or more), park entrances, park

streets, and pedestrian easements shall be illuminated to provide at least three tenths (0.3) foot candles of lighting.

f. Garbage and Refuse.

Garbage and refuse service areas (fenced and paved) shall be reserved within the park and shall conform with all applicable City ordinances.

g. Walks.

1. General Requirements: All mobile home developments shall be provided with safe and convenient pedestrian accesses of adequate width for their intended use and same shall be durable and convenient to maintain.
2. Common Walk System: A common walk system (paved) shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.
3. Individual Walks: All mobile home stands (paved) shall be connected to common walks or to streets, driveways, or parking spaces. Such individual walks shall have a minimum width of two feet.

h. Mobile Home Stands.

Each mobile home stand shall be required to be provided with the following minimum accommodations:

1. Interior Street Access: Each stand shall be provided with access frontage of at least 20 feet.
2. Electric Power Supply: Each stand shall be provided with a properly grounded, water-proofed electrical receptacle. A properly sized over-current device shall be installed as a part of each power outlet. Said fixtures shall meet the standards established by applicable City codes.
3. Stand Identification: A property and street number designation or other appropriate numbering device properly identifying each mobile home stand shall be placed at the interior side lot line at a point 10 to 15 feet from the interior road system of the park. Such device shall be clearly visible from the street and shall be embossed with reflectorized glaze for the numbers. Such numbers shall be a minimum of six inches in height.

i. Recreation mobile home parks of 20 units or more must reserve an appropriate area

for park recreation use.

Section 18.87 **Mobile Home Parks -- Accessory Uses Permitted.**

The following establishments of a commercial nature may be permitted as customary accessory uses in a mobile home park, provided such uses do not occupy more than 10 percent of the area of the park, are located a minimum distance of 100 feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and service to the occupants of the park:

- a. Coin-operated laundry.
- b. Coin-operated vending machines of types allowed under applicable City codes.
- c. One or more signs identifying the name of the park and the service provided therein; signs regulating traffic or provided for the convenience and welfare of park residents.

Section 18.88 **Area, Height, Placement and Development Requirements.**

(In accordance with Schedule of Regulations, Article XIX).

Section 18.89 **Other Requirements.**

- a. Additions. Any additions to a mobile home or accessory building constructed on a lot shall comply with the requirements of the Building, Electrical, Plumbing, and Gas Codes.
- b. Before a certificate of occupancy is issued, the required permits and inspections must be obtained from the Building Department.
- c. Foundations. All main buildings shall be placed on a properly engineered foundation which meets the mobile home's installation requirements and applicable state and local requirements.
- d. Siding material. All mobile homes shall have exterior siding materials consisting of either wood, masonry, concrete, stucco, hard board siding, or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

Sections 18.90 - 18.95 **Reserved.**

ARTICLE IX. TRAVEL TRAILER AND/OR CAMPER PARKS.

Regulations in this section are established for trailer parks where the principal use is for overnight tourists or for vacationers whose stay will not exceed two weeks. Travel trailer and camper parks are allowed in the MHP District and the Commercial District.

Section 18.96 Area Requirements, Minimum.

- a. The park shall be on a lot of not less than five acres with a width at the building line of not less than 300 feet.
- b. The density of trailer spaces shall not exceed nine per acre without approved community water system.

Section 18.97 Yard Requirements.

- a. Trailers shall be separated from each other by not less than 15 feet.
- b. No trailer shall be located closer to any exterior property line than the corresponding yard requirement in the district in which it is located.

Section 18.98 Minimum Requirements.

- a. Each trailer space within a park shall be provided with an all-weather surface of sufficient area to provide parking for both trailer and towing vehicles. All other exposed ground surfaces shall be covered or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- b. Water supply connections shall be made to a public water system whenever possible and feasible as determined by the Worth County Health Department. Where a public system is not available, a private system approved by the Worth County Health Department may be used.
 1. The water supply shall be capable of supplying 50 gallons per space per day for all spaces lacking individual water connections and 100 gallons per day for all spaces provided with individual water connections.
 2. Each travel trailer park shall be provided with at least one water supply station per 100 trailer sites or fraction thereof. Such water supply outlet shall consist of at least a hydrant and the necessary appurtenances and shall be protected against back flow and back siphonage.
- c. Connection shall be made to a public sewerage system whenever possible and feasible as determined by the Worth County Health Department. Where a public system is not

available, a private system approved by the Worth County Health Department and, where applicable, by the Georgia Water Quality Control Board, may be used. No septic tanks are permitted.

1. Each travel trailer parking area shall be provided with a sanitary station in the ratio of 100 trailer spaces or fraction thereof and shall be separated from any trailer space by a distance of at least 50 feet.
2. A sanitary station shall consist of at least a trapped four-inch sewer riser pipe connected to the park's sewerage system, surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable hinged cover and a water outlet with the necessary appurtenances to permit periodic wash down of the immediate area.
3. No waste water or other liquid effluent shall be discharged or allowed to accumulate on the ground surface.

d. Grounded and weatherproof electrical outlets supplying at least 110 volts shall be provided at each trailer space. All electrical work shall comply with the regulations of the National Electrical Code.

e. At least one container approved by the Worth County Health Department for solid waste shall be provided for each trailer space to be rented.

f. Where dependent trailers are to be located, central toilet facilities shall be provided. Central toilets shall be plainly marked, separated by sex, lighted at night, and located within 200 feet of the trailer spaces served. For each 10 spaces or fraction thereof not less than one commode, one lavatory, and one tub or shower head shall be provided for each sex. In addition, for each 20 trailer spaces or fraction thereof at least one urinal shall be provided in each central toilet designated for men.

g. All-weather drives at least 20 feet wide shall be provided to each trailer space within the park.

h. A buffer strip adjacent to each exterior property line that is not also a street right-of-way line and not to be included within any individual trailer lot shall be densely planted and maintained.

Section 18.99 General Requirements.

a. Grounds, buildings, and structures shall be maintained free of insects and rodents. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Worth County Health Department.

b. The park area shall be so maintained as to prevent the growth of ragweed, poison ivy, and other noxious plants considered to be detrimental to health.

c. No open fire shall be permitted, except in facilities designed for such purposes. No open fire shall be left unattended. No fuel shall be used nor material burned which causes dense smoke or odors.

d. The person to whom approval is given to operate a travel trailer park shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park area, its facilities, and equipment in good repair and in a clean and sanitary condition.

e. Every operator of a travel trailer park shall maintain a register as required by Georgia state law.

f. Every park operator shall notify the local health authority immediately of any suspected communicable or contagious disease within the park area. In the case of disease diagnosed by a physician as quarantinable, the departure of the trailer or its occupants or the removal of any articles which have been exposed to infection is prohibited.

Sections 18.100 - 18.105 **Reserved.**

ARTICLE X. AG, AGRICULTURAL DISTRICT.

Section 18.106 AG-Agricultural District.

The Agricultural District is established as a district in which the principal use of land is for farming, dairying, forestry operations, and other agricultural related activities. For the Agricultural District, in promoting the general purpose of these regulations, the specific intent of this article is:

- a. To protect land, especially prime farm land, needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development.
- b. To allow the continuation of existing agricultural pursuits in areas where, in accordance with the recommendations of the Land Use Plan, future residential, commercial, or industrial development is anticipated, but where the present application of zoning controls for future, more intensive land uses would be unreasonable and premature.
- c. Subdivision proposals (two or more lots) planned for residential uses within the City's agricultural zoning districts must be rezoned to the appropriate residential zoning classification. Minor subdivisions within the AG District are excluded from rezoning.

Section 18.107 Permitted Uses.

- a. Accessory residential uses including, but not limited to, a private garage, detached home workshop, swimming pool, or greenhouse, all of which shall be incidental to the use of the property as a residence.
- b. Accessory farm uses including the sale of products grown on the premises and the keeping of livestock or poultry.
- c. Agricultural, dairying, forestry, or horticultural uses.
- d. Rural businesses (as defined in Article II).
- e. Open air businesses (as defined in Article II).
- f. Commercial fishing ponds.
- g. Farm stands (provided adequate parking is available).
- h. Residences:
 1. Single-family; and

2. Mobile and modular homes.

Section 18.108 **Conditional Uses.**

- a. Airfields.
- b. Customary home occupations (as defined and restricted in Article II).
- c. Chicken houses (commercial)*.
- d. Fraternal organizations or private clubs.
- e. Nursery school or kindergarten, day car center.
- f. Recreational and/or cultural uses of a commercial nature.
- g. Residences:
 1. Two-family
 2. Group homes
 3. Half-way homes
- h. Churches, provided that the proposed site for a church is not less than one acre and required off-street parking is provided.
- i. Public, parochial, and private elementary, intermediate, and/or high schools.
- j. Publicly owned and operated buildings, libraries, parks, and recreational facilities.
- k. Public and private hospitals, provided that the hospital is adjacent to a major thoroughfare.

*Development Standards for Commercial Chicken Houses.

Location: All chicken house facilities must be located at least 1,250 feet from any residential dwelling, excluding any dwelling belonging to the owner of the poultry operation; commercial or industrial use; and at least 100 feet from a public road or adjoining property line.

Minimum Size: The parcel upon which a poultry facility is to be placed must be at least five acres in size.

- l. Kennels (noise buffers or barriers may be required to protect adjacent residential properties).
- m. All radio, cellular phone, or similar transmission/receiving towers.
- n. Group Lodges.
- o. Hunting lodges and cabins. (Note: It is recommended that hunting plantations be zoned as part of the Agricultural District.)

Section 18.109 Area, Height, and Setback Requirements.

(In accordance with the Schedule of Regulations, Article XIX).

Sections 18.110 - 18.115 Reserved.

ARTICLE XI. C-1, COMMUNITY BUSINESS DISTRICT.

Section 18.116 **Statement of Purpose.**

The Community Business District established in this article is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations which propose the mutual advantages of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.

Section 18.117 **Permitted Uses.**

- a. Barber shops and beauty shops.
- b. Custom dressmaking and tailoring.
- c. Eating or drinking places in which there is no dancing, floor show, or other live entertainment.
- d. Laundry or dry cleaning and laundry operated by customers, such as laundrette, laundromat, and the like.
- e. Offices, either business, professional, or governmental.
- f. Repairs, electrical or other household appliances, locks, radios, television, and the like.
- g. Retail businesses, such as apparel, drug, and food, selling convenience goods and serving the adjacent residential neighborhoods.

Section 18.118 **Conditional Uses.**

- a. Other uses similar to the above, subject to the following restrictions:
 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

- b. Churches, synagogues, and temples. (See Section 18.48a.)
- c. Hospitals, animal hospitals, or sanitarium for care of contagious, mental, drug, or liquor addiction cases.
- d. Public buildings.
- e. Schools, nursery school, kindergarten, day care center.
- f. All radio, cellular phone, or similar transmission/receiving towers and radio studio.
- g. Travel Trailer Parks, (See Article IX.)

Section 18.119 Protective Screening.

Protective screening for C-1 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 18.32 of this ordinance.

Section 18.120 Signs.

(See Article XVIII.)

Section 18.121 Off-Street Parking.

(See Article XVII.)

Section 18.122 Area, Height, and Setback Requirements.

(In accordance with the Schedule of Regulations, Article XIX.)

Sections 18.123 - 18.125 Reserved.

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and
2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

h. Nursery schools, kindergartens, or day care facilities, provided that all State licensing requirements are met.

i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 **Signs.**

(See Article XVIII.)

Section 18.130 **Off-Street Parking.**

(See Article XVII.)

Section 18.131 **Area, Height, and Setback Requirements.**

(See Article XIX.)

Sections 18.132 - 18.135 **Reserved.**

- | | |
|---|---|
| 12. Combined Uses | Parking spaces shall be the total of the spaces required for each separate use established by this schedule. |
| 13. Dance School | One space for each employee, plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students. |
| 14. Duplex Dwelling Unit | One unpaved space per unit; residential driveways will satisfy this need. |
| 15. Financial Institution | One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window. |
| 16. Funeral Home | Six spaces per viewing room or one space for each 50 square feet of chapel used for services. |
| 17. Furniture Store | One space for each 400 square feet of gross floor area. |
| 18. Golf Course | Two spaces for each hole and one space for each two employees, plus requirements for any other use associated with the golf course. |
| 19. Grocery Store (including small type food store) | One space for each 250 square feet of gross floor area. |
| 20. High Schools, Trade Schools, Colleges, and Universities | One space for each teacher, employee, and administrative personnel, plus safe and convenient loading of students, plus five spaces for each classroom. |
| 21. Hospital | One space for each bed, plus one space for each employee (nurse, attendant, etc.) per shift, plus one space for each staff or visiting doctor. |
| 22. Hotel/Motel | One space for each guest room suite or unit, plus one space for each two employees. |
| 23. Indoor and Outdoor Recreational Areas (Commercial) | (a) one space for each 150 square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one space per each four seats or |

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and
2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

h. Nursery schools, kindergartens, or day care facilities, provided that all State licensing requirements are met.

i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 Signs.

(See Article XVIII.)

Section 18.130 Off-Street Parking.

(See Article XVII.)

Section 18.131 Area, Height, and Setback Requirements.

(See Article XIX.)

Sections 18.132 - 18.135 Reserved.

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| 12. Combined Uses | Parking spaces shall be the total of the spaces required for each separate use established by this schedule. |
| 13. Dance School | One space for each employee, plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students. |
| 14. Duplex Dwelling Unit | One unpaved space per unit; residential driveways will satisfy this need. |
| 15. Financial Institution | One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window. |
| 16. Funeral Home | Six spaces per viewing room or one space for each 50 square feet of chapel used for services. |
| 17. Furniture Store | One space for each 400 square feet of gross floor area. |
| 18. Golf Course | Two spaces for each hole and one space for each two employees, plus requirements for any other use associated with the golf course. |
| 19. Grocery Store (including small type food store) | One space for each 250 square feet of gross floor area. |
| 20. High Schools, Trade Schools, Colleges, and Universities | One space for each teacher, employee, and administrative personnel, plus safe and convenient loading of students, plus five spaces for each classroom. |
| 21. Hospital | One space for each bed, plus one space for each employee (nurse, attendant, etc.) per shift, plus one space for each staff or visiting doctor. |
| 22. Hotel/Motel | One space for each guest room suite or unit, plus one space for each two employees. |
| 23. Indoor and Outdoor Recreational Areas (Commercial) | (a) one space for each 150 square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one space per each four seats or |

ARTICLE XIV. M, MANUFACTURING DISTRICT.

Section 18.146 Statement of Purpose.

The intent of the Manufacturing District is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair services, and sales lots in addition to other retail and service establishment; to expand or extend existing districts only where there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 18.147 Permitted Uses.

- a. Any use permitted in the commercial zone districts.
- b. Manufacturing.
- c. Warehousing, wholesaling, shipping, and receiving.
- d. Agriculture.

Section 18.148 Conditional Uses.

- a. Petroleum bulk plant.
- b. Junkyards, automobile salvage yards, or scrap metal processors. (Site plan with appropriate screening and fencing are required.)
- c. Asphalt plants.
- d. Cement, line gypsum, or plaster of paris manufacturing.
- e. Fat rendering and fertilizer manufacturing.
- f. Paper and pulp manufacturing.
- g. Corrosive acid or alkali manufacturing.
- h. Public buildings and utilities.
- i. Cemeteries. (Site plan required.)
- j. Chemical plants.

- k. Churches. (See Section 18.48a.)
- l. Adult businesses.
- m. Uses similar to the above.

Section 18.149 Protective Screening.

(See Section 18.32.)

Section 18.150 Off-Street Parking.

(See Article XVII.)

Section 18.151 Area, Height and Setback Requirements.

(In accordance with Schedule of Regulations, Article XIX.)

Sections 18.152 - 18.155 Reserved.

ARTICLE XV. FH, FLOOD HAZARD DISTRICT.

Section 18.156 **Statement of Purpose.**

To restrict or prohibit uses which may be dangerous to health, safety, or property in times of flood, or which may cause increased flood heights or velocities; to require that uses vulnerable to floods, including public facilities which serve such uses, be provided with physical flood protection features at the time of initial construction; to protect individuals from buying lands which are unsuited for intended purposes because of flood hazards; and other public requirements to protect against floods.

Section 18.157 **District Boundaries.**

For the purpose of these regulations the Flood Insurance Study for Worth County, as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, is hereby made a part of these regulations. The Housing and Urban Development report shall be kept permanently in the office of the Zoning Administrator, where said reports shall be accessible to the general public. The boundaries of the Flood Hazard District shall be synonymous with the limits of the flood region as determined in the above said study (100-year flood plain).

Section 18.158 **Permitted Uses.**

- a. Single-family residences.
- b. Agriculture, poultry, and livestock raising and riding stables.
- c. Non-commercial recreational facilities involving only light structures primarily purposes of shelter and equipment storage such as fishing lakes, golf courses, tennis courts, archery clubs, swimming pools.
- d. Park and outdoor recreational facilities.

Section 18.159 **Required Plans.**

No permit shall be issued for the construction of any building or structure within the Flood Hazard District until the plans for such construction or use have been submitted to the Planning Commission and approval is given in writing for such construction or use. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

- a. Any structure or the filling of land permitted shall be of a type not appreciably

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and
2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

h. Nursery schools, kindergartens, or day care facilities, provided that all State licensing requirements are met.

i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 Signs.

(See Article XVIII.)

Section 18.130 Off-Street Parking.

(See Article XVII.)

Section 18.131 Area, Height, and Setback Requirements.

(See Article XIX.)

Sections 18.132 - 18.135 Reserved.

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| 12. Combined Uses | Parking spaces shall be the total of the spaces required for each separate use established by this schedule. |
| 13. Dance School | One space for each employee, plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students. |
| 14. Duplex Dwelling Unit | One unpaved space per unit; residential driveways will satisfy this need. |
| 15. Financial Institution | One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window. |
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| 17. Furniture Store | One space for each 400 square feet of gross floor area. |
| 18. Golf Course | Two spaces for each hole and one space for each two employees, plus requirements for any other use associated with the golf course. |
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| 21. Hospital | One space for each bed, plus one space for each employee (nurse, attendant, etc.) per shift, plus one space for each staff or visiting doctor. |
| 22. Hotel/Motel | One space for each guest room suite or unit, plus one space for each two employees. |
| 23. Indoor and Outdoor Recreational Areas (Commercial) | (a) one space for each 150 square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one space per each four seats or |

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ARTICLE XIV. M, MANUFACTURING DISTRICT.

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The intent of the Manufacturing District is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair services, and sales lots in addition to other retail and service establishment; to expand or extend existing districts only where there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 18.147 **Permitted Uses.**

- a. Any use permitted in the commercial zone districts.
- b. Manufacturing.
- c. Warehousing, wholesaling, shipping, and receiving.
- d. Agriculture.

Section 18.148 **Conditional Uses.**

- a. Petroleum bulk plant.
- b. Junkyards, automobile salvage yards, or scrap metal processors. (Site plan with appropriate screening and fencing are required.)
- c. Asphalt plants.
- d. Cement, line gypsum, or plaster of paris manufacturing.
- e. Fat rendering and fertilizer manufacturing.
- f. Paper and pulp manufacturing.
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- h. Public buildings and utilities.
- i. Cemeteries. (Site plan required.)
- j. Chemical plants.

- k. Churches. (See Section 18.48a.)
- l. Adult businesses.
- m. Uses similar to the above.

Section 18.149 Protective Screening.

(See Section 18.32.)

Section 18.150 Off-Street Parking.

(See Article XVII.)

Section 18.151 Area, Height and Setback Requirements.

(In accordance with Schedule of Regulations, Article XIX.)

Sections 18.152 - 18.155 Reserved.

ARTICLE XV. FH, FLOOD HAZARD DISTRICT.

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- a. Any structure or the filling of land permitted shall be of a type not appreciably

ARTICLE XVI. NON-CONFORMING BUILDINGS AND USES.

Any lawful use of the land or buildings existing at the date of passage of this ordinance, and located in a district in which it would not be permitted as a new use under the regulations of this ordinance, is hereby declared to be a “non-conforming use” and not in violation of this ordinance at the date of adoption of this ordinance; provided, however, that a non-conforming use shall be subject to, and the owner shall comply with, the following regulations:

Section 18.166 Non-Conforming Use of Land, Continuation of Use.

A non-conforming use of land, which exists when this ordinance becomes effective, may be continued provided that:

- a. No such non-conforming use of land shall in any way be expanded or extended.
- b. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

Section 18.167 Restorations.

Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, or act of God may be restored to the same non-conforming use as existed before such damage.

Section 18.168 Discontinuance or Abandonment.

Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of 12 months shall thereafter conform to the provisions of this ordinance.

Section 18.169 Change of Tenancy or Ownership.

There may be a change in tenancy, ownership, or management of an existing non-conforming use.

Sections 18.170 - 18.175 Reserved.

ARTICLE XVII. OFF-STREET PARKING AND LOADING REQUIREMENTS.

Section 18.176 Scope of Provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purpose. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Section 18.177 Parking Spaces May Not Be Reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

Section 18.178 Drainage, Construction, and Maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Section 18.179 Separation from Walkways, Sidewalks, and Streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

Section 18.180 Parking Area Design.

Parking stalls shall have a minimum width of nine feet and a minimum length of 18 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90-degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 13 feet wide where used with 45-degree parking, and at least 12 feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least 10 feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Section 18.181 Joint Parking Facilities.

Two or more neighboring uses of the same or different types may provide joint facilities, provided the number of off-street parking spaces are not less than the sum of the individual requirements.

Section 18.182 **Pavement Markings and Signs.**

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrow, and signs shall be properly maintained so as to ensure their maximum efficiency.

Section 18.183 **Number of Parking Spaces.**

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

Section 18.184 **Street Parking Requirements.**

In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected or enlarged after their effective date of this ordinance shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the Zoning Administrator, that he/she is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use or that he/she is the lessee of such property.

Section 18.185 **Location of Parking Space for Other Land Uses.**

The off-street parking facilities required for all other uses shall be located on the lot or within 1000 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

Section 18.186 **Off-Street Parking Standards.**

USE	NUMBER OF PARKING SPACES REQUIRED
1. Apartments and Multi-family Dwellings	Two spaces for each dwelling unit, plus one space for each 10 units for travel trailers, boats and other

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
25. Kindergarten, Nursery Schools, and Day Care	One space for each employee, plus safe and convenient loading of children.
26. Nightclubs	One space for each 100 square feet of gross floor area, plus one space for each employee.
27. Nursing Home	One space for each two beds, plus one space for each employee on shift of greatest employment.
28. Office, Professional Building, or similar use	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
29. Personal Service Establishment	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
30. Repair Shop	One space for each 300 square feet of gross floor area, plus one space for each employee.
31. Restaurant or place dispensing food, drink, or refreshments to be consumed on the premises	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces.
32. Restaurant or place dispensing food, drink, or refreshments for carry-out only (and having out-door seating area)	One space for each 150 square feet of gross floor area (with a minimum of 10 parking spaces for this), plus one additional space for each three outdoor seats provided.
33. Restaurant of place dispensing food, drink, or refreshments for carry-out only (no seating provided)	One space for each 150 square feet of gross floor area with a minimum of 10 parking spaces.
34. Restaurant or place dispensing food, drink, or refreshments to be consumed on premises and also having a drive-	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces and providing an adequate lane for thru traffic which

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| thru service | will not obstruct required parking and driveway for the restaurant. |
| 35. Schools, Elementary | One space for each teacher, one space for each two employees and administrative personnel, and one space for each classroom, plus safe and convenient loading and unloading of students. |
| 36. Shopping Center (if over 35,000 square feet of gross floor area) | One space for each 300 square feet of gross floor area. |
| 37. Shopping Center (if 35,000 square feet or less of gross feet area) | One space for each 350 square feet of gross floor area. |
| 38. Swimming Pool | One space for each 200 square feet of water surface area, plus requirements for additional uses in association with the establishment, such as a restaurant, etc. |
| 39. Trailer Park | One space for each trailer stall, plus one space for each two employees. |
| 40. Retail Stores of all types not mentioned otherwise. | One space for each 300 square feet of gross floor area. |
| 41. Wholesale Establishment | One space for each employee, plus sufficient spaces to accommodate vehicles used in the conduct of the business. |

Section 18.187 Off-Street Loading Requirements.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
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32. Restaurant or place dispensing food, drink, or refreshments for carry-out only (and having out-door seating area)	One space for each 150 square feet of gross floor area (with a minimum of 10 parking spaces for this), plus one additional space for each three outdoor seats provided.
33. Restaurant of place dispensing food, drink, or refreshments for carry-out only (no seating provided)	One space for each 150 square feet of gross floor area with a minimum of 10 parking spaces.
34. Restaurant or place dispensing food, drink, or refreshments to be consumed on premises and also having a drive-	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces and providing an adequate lane for thru traffic which

- | | |
|--|--|
| thru service | will not obstruct required parking and driveway for the restaurant. |
| 35. Schools, Elementary | One space for each teacher, one space for each two employees and administrative personnel, and one space for each classroom, plus safe and convenient loading and unloading of students. |
| 36. Shopping Center (if over 35,000 square feet of gross floor area) | One space for each 300 square feet of gross floor area. |
| 37. Shopping Center (if 35,000 square feet or less of gross feet area) | One space for each 350 square feet of gross floor area. |
| 38. Swimming Pool | One space for each 200 square feet of water surface area, plus requirements for additional uses in association with the establishment, such as a restaurant, etc. |
| 39. Trailer Park | One space for each trailer stall, plus one space for each two employees. |
| 40. Retail Stores of all types not mentioned otherwise. | One space for each 300 square feet of gross floor area. |
| 41. Wholesale Establishment | One space for each employee, plus sufficient spaces to accommodate vehicles used in the conduct of the business. |

Section 18.187 Off-Street Loading Requirements.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area 10 feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 10,000	None
10,001 - 100,000	One space for the first 10,001 square feet, plus one additional space for each additional 40,000 square feet in excess of 10,001 square feet.
100,000 - 500,000	Three spaces for the first 100,001 square feet, plus one space for each additional 100,000 square feet in excess of 500,001 square feet.

Section 18.188 **Minimum Number of Loading Spaces Required.**

Industrial, wholesale, and retail operations shall provide space as follows:

a. Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

b. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.

c. Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the City.

Sections 18.189 - 18.190 **Reserved.**

ARTICLE XVIII. SIGN REGULATIONS.

Section 18.191 **Signs Shall Meet Requirements of this Section.**

All signs within the City shall be erected, constructed, or maintained in accordance with the provisions of the sections below and applicable sections of the City Building Code, and only those signs that are permitted by these regulations shall be erected within the City.

Section 18.192 **No Signs Shall Hamper Traffic Safety.**

No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of-way.
- b. Would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
- c. Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.
- d. Uses admonitions, such as “stop”, “go”, “slow”, “danger”, etc., which might be confused with traffic directional signals.

Section 18.193 **Locations Prohibited.**

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural object. No signs other than those signs erected by public governmental agencies or signs required by law, shall be placed so as to overhang any portion of public rights-of-way or other public properties.

Section 18.194 **Illumination Not to Be a Nuisance.**

Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and/or approaching vehicles.

Section 18.195 **Signs Not Requiring a Permit.**

The following signs shall not require a permit:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.

- c. Warning signs and no trespassing signs.
- d. Signs established by governmental agencies.
- e. Signs indicating bus stops, taxi stands, and similar transportation facilities.
- f. Signs not exceeding 10 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
- g. Temporary real estate signs on a residentially zoned piece of property shall be limited to a maximum of 10 square feet, and temporary real estate signs in any zones other than residential should be a maximum of 32 square feet.
- h. Any sign not exceeding 10 square feet in area other than advertising, separate use, or signs requiring electrical wiring.
- i. Temporary signs on private land involved in campaigns and religious, charitable, civic, fraternal, political, and similar organizations.

Section 18.196 **Maximum Area of Signs.**

- a. The maximum area of a point of business sign, an incidental use sign, or an identification sign shall be 150 square feet; except in R-1, R-2, and C-1 Zones, all signs (except identification sign and signs as identified in Section 18.195) shall be no larger than ten square feet in area and shall not be illuminated directly or indirectly.
- b. The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or trim.
- c. The maximum area of a portable sign shall be 40 square feet.
- d. A temporary sign for a non-conforming business shall not exceed a maximum of 32 square feet.
- e. Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

Section 18.197 **Standards for Off-site Advertising Signs (Billboards).**

- a. Location where allowed: Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:
 - 1. C-2 (Highway Commercial)

2. M (Manufacturing)
- b. Off-site Advertising Sign Requirements:
1. Sign Surface Area (Maximum) - 750 square feet per face
 2. Maximum number of signs - Two signs per sign structure which may be single- or double-faced, provided that each side shall have no more than 750 square feet.
 3. Height (Maximum) -
 - (a) Arterial Street Location - 45 feet
 - (b) All other locations where allowed - 18 feet
 4. Minimum clearance required under sign will be 10 feet.
 5. Minimum Setback - Five feet from the nearest right-of-way line; and 10 feet from the right-of-way line intersection point measured at any angle.
 6. Minimum Spacing - 300 feet on the same side of the road from another off-site sign.
- c. Priority of Signs:

Where the location of two or more off-site advertising signs conflicts under the requirements of this ordinance, the sign meeting the requirements of this ordinance and having the earliest dated permit for its erection shall have priority over other signs in conflict herewith.

d. Off-site advertising signs shall not be established at any location having principal frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, or residential districts including AG, R-1, R-2, and C-1 Zones.

e. No revolving or rotating beam or beacon or light that resembles or simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. Within 30 days from the effective date of this ordinance this provision must be complied with.

f. External lighting, such as floodlights, thin line, and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within 30 days from the effective date of this ordinance, this provision must be complied with.

Section 18.198 **Issuance of Permits, Administration, and Filing Procedure.**

a. **Issuance of Permits:** No sign, except those listed in Section 18.195 shall be erected, hung, or placed or structurally altered without a permit from the Zoning Administrator.

b. **Filing Procedure:** Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by plans showing the area of the sign, size, and character, and the method of illumination, if any, the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

c. **Additional Information:** Each applicant shall, upon the request of the Zoning Administrator, submit any additional information deemed necessary by said administrator.

Section 18.199 **Signs on Residential Property.**

No signs of any kind shall be permitted on residential properties in the City except signs identifying the name of the occupant and the address of the premises, and signs advertising a home occupation business as defined and permitted in Article II and other provisions of this ordinance.

Section 18.200 **Reserved.**

ARTICLE XIX. AREA, HEIGHT, AND SETBACK REQUIREMENTS.

Section 18.201 Schedule of Regulations.

Zoning Districts	Minimum Lot Area Sq. Ft.	Minimum Lot Width Ft.	Front Yard Ft.	Side Yard Ft.	Rear Yard Ft.	Maximum Height Ft.	Minimum Dwelling Size (Sq. Ft.)
R-1	15,000	100	40	10	40	35	800
R-2: Single-Family	10,000	100	30	8	30	35	800
Two-Family	7,000	100	30	8	30	35	800
Multi-Family	3,630	100	30	8	30	35	800
R-MHP	25 acres	-	-	-	-	35	800
R-PUD	(A)(B)	(A)(B)				(A)(B)	800
C-1	-	100	30	-	-	-	
C-2	-	-	30	5	-	-	
C-PUD	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	
M	-	-	30	20	20	-	
AG	15,000	100	40	10	12	35	
FH	15,000	100	40	10	50	35	800

(A)(B)(C), etc., denotes references to Footnotes to Schedule of Regulations, next page.

***Minimum lot size requirements noted in this schedule** are for developments with both a public or community water supply and public sewerage system. NOTE: All residential lots served by a public water system and an on-site sewerage disposal system shall have a minimum lot area of 21,780 square feet. All residential lots not served by a public water system or a public sewerage system shall have a minimum lot area of 43,560 square feet. Lot sizes shall comply with the on-site

sewerage management systems manual and any state or federal law, rule, or regulation requiring the amendment of lot sizes as promulgated by state or federal authorities from time to time. (Consult Worth County Health Department).

Development within the R-1, R-2, R-MHP, R-PUD, and AG Districts shall be in accordance with the densities identified in the Land Use and Development Plan.

Minimum Lot Width at the road right-of-way and at the minimum building setback line shall be 150 feet along local roads, 250 feet along collector roads, and 300 feet along arterial roads. The minimum building setback from the right-of-way shall be 150 feet on local roads, 200 feet on collector and arterial roads, excluding lots in major subdivisions.

FOOTNOTES OF ARTICLE XIX SCHEDULE OF REGULATIONS

a. **PLANNED UNIT DEVELOPMENTS.** The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings in lots of record, would in certain cases of large-scale developments have results affording less protection to the public health, safety, and welfare than if a measure of flexibility were permitted. The permitting of these planned unit developments can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects in adjoining properties.

Therefore, the zoning regulations, relative to area, height, bulk, and placement, may be modified by the Planning Commission and City Council in the case of a plan for a large scale development which in the judgment of the Planning Commission and City Council provides adequate open space and improvements for circulation, recreation, education, light, air, and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed that of the zoning regulation requirements, and provided further that the minimum site for residential planned unit development is three acres.

b. Refer to Section 18.66(R-PUD).

c. Refer to Section 18.136 (C-PUD).

Sections 18.202 - 18.205 Reserved.

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT.

Section 18.206 Enforcement.

The Zoning Administrator shall administer and enforce this ordinance and is hereby given the authority and responsibility to enforce all provisions of this ordinance under the direction of the City Council which includes, but is not limited to, the following duties:

- a. To serve as a liaison between the Worth County Planning Commission and the City Council keeping each body advised of pending actions pertaining to zoning.
- b. To serve as a non-voting Ex-Officio member of the Planning Commission to provide technical assistance in matters relating to zoning requests.
- c. To maintain in a timely and current manner the Official Zoning Maps reflecting thereon any and all rezoning amendments approved by the City Council. Amendments of the Official Zoning Map will be posted by the Zoning Administrator within seven calendar days following approval of such action by the City Council.
- d. To perform any other rezoning duties as directed by the City Council.

Section 18.207 Permits.

The following shall apply in the issuance of any permits.

- a. **Permits Required.** It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of any existing building without first obtaining a building permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and with the Building Code.

No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.

Section 18.208 Certificates of Occupancy.

It shall be unlawful to use or permit the use of land, building, or structure for which a building permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator has issued a Certificate of Occupancy stating that the provisions of this ordinance have been complied with.

a. Certificate Validity. The Certificate of Occupancy as required for new construction of or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this ordinance.

b. Temporary Certificate. Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire buildings or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the buildings or structure are in conformity with the provisions of this ordinance.

c. Records of Certificates. A record of all Certificate of Occupancy shall be kept in the office of the Zoning Administrator and copies of such certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

d. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy but rather may be included in the Certificate of Occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

e. Application for Certificates. Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection of alteration of such building shall have been completed in conformity with the provisions and requirements of this ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within 10 days.

Section 18.209 **Fees.**

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the City Council from time to time and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

Section 18.210 **Amendments.**

The City Council may amend, supplement, or change the regulations or the district boundaries as established in this ordinance. The procedure for submitting a request for an amendment to this ordinance or district boundaries of the official Zoning Map shall be as follows:

a. The applicant shall complete and submit to the Zoning Administrator a rezoning application at least 20 days prior to the next scheduled Planning Commission meeting. Completed

applications submitted less than 20 days will not be considered for that meeting.

b. At the time of the application submittal, the application shall deposit the appropriate fee amount with the Zoning Administrator to cover the cost of processing the application.

c. Within 10 days of the next scheduled Planning Commission meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Planning Commission members and all other relevant personnel.

Section 18.211 **Zoning Policies and Procedures.**

The following policies and procedures are herein established to provide guidelines for the following zoning activities:

a. The adoption of a new City Zoning Ordinance.

b. The adoption of an amendment to the Zoning Ordinance which changes the text of the ordinance (Text Amendment).

c. The adoption of an amendment to a Zoning Ordinance Map which rezones property from one zoning classification to another (Map Amendment).

d. The procedure requirements for zoning amendments sponsored by the City Council.

e. The procedure requirements for zoning amendments sponsored by a citizens or property owner.

Section 18.212 **Policies and Procedures for City Initiated Zoning Activities:**

a. In the case of developing an initial zoning ordinance (map and text) or updating or amending an existing zoning plan, the Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans, or other relevant documents as a resource for ordinance development or ordinance amendment. The City Council and the Planning Commission will each hold at least one public hearing on any new zoning ordinance development or any proposed amendment to the current zoning ordinance.

b. Upon the completion of a preliminary zoning document by the Planning Commission and after such document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Planning Commission and the City Council, respectively. The official public hearing will be held by the Planning Commission, and public notice of such hearing will be given no less than 15 days nor more than 45 days prior to the official hearing date.

c. Public hearing notices will be published in a newspaper of general circulation within

the City for two consecutive weeks prior to the official public hearing date. The public hearing notice will state the time, place, and purpose of the hearing.

d. All amendments to any existing zoning plan must be reviewed by both the Planning Commission and the City Council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the City Council shall have the Planning Commission prepare an evaluation of each such proposed rezoning considering each of the following factors:

Rezoning Criteria:

1. Does the proposed zoning classification promote the health, safety, moral or general welfare?
2. The existing uses of the subject property and adjacent and near properties.
3. The current zoning of the subject property and adjacent or near properties.
4. The extent to which property values are diminished by the present zoning restrictions.
5. The extent to which the restrictions diminishing property values promotes the health, safety, morals, or general welfare of the public.
6. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
7. The suitability of the subject considered under the proposed zoning.
8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
9. Conformity with the Worth County Land Use Plan.

e. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

f. The preside of each respective public hearing will review for those present the following operating procedures for the public hearing.

1. Each side of a zoning issue will be allowed a minimum of 10 minutes per side for the presentation of data, evidence, and opinions.
2. In order for a person in attendance to speak, such person must be recognized

by the Chair. Upon rising to speak, the person recognized will first identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.

3. Additional persons will be recognized per the above procedure for the purpose of addressing additional elements of the proposed zoning or to make additional points with regard to elements already addressed but not to rehash points already made.
4. Appropriate notes or minutes will be recorded by the City Council and the Planning Commission at their respective public hearings.

g. The Planning Commission shall prepare and submit the necessary minutes, evaluations, and/or recommendations to the City Council prior to the City Council's public hearing.

h. The City Council at its public hearing will review the evaluation and recommendations from the Planning Commission and may choose to adopt, reject, or modify the Planning Commission recommendations or the business may be tabled for additional study to the next regular Council meeting.

Section 18.213 **Procedures for Rezoning Property Requested by Citizen/Property Owner.**

a. An application for rezoning must be filed with the Zoning Administrator on a prescribed form and fees paid as set by the City Council.

b. The Zoning Administrator will inform the applicant of the public hearing dates. The Planning Commission will convene a public hearing on each proposal. The official public hearing will be held by the Planning Commission and public notice of such hearing will appear no less than 15 days nor more than 45 days prior to the official public hearing.

c. Official public notices will be published in a newspaper of general circulation in the City for two consecutive weeks prior to the official public hearing date.

d. The public hearing notice will name the applicant, the location of the property to be affected, the present zoning classification, the proposed zoning classification, and the date, time, and place of both the Planning Commission hearing and the public hearing to be held by the City Council.

e. The Zoning Administrator shall have erected on the property for which rezoning is to be considered a sign of no less than 17 inches by 24 inches announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning classification and the proposed zoning classification. The sign shall be clearly visible from a public street. It shall be

erected not less than 15 days prior to the official public hearing date. (Planning Commission).

f. Any application for rezoning of a particular parcel of property which is denied by the City may not again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the rezoning request.

g. Prior to the filing of an application for rezoning, the citizen/property owner or his/her engineer or agent is required to consult with the Zoning Administrator and other appropriate City departments for the purpose of facilitating the review process. As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the City, advise the citizen/property owner, within 60 days, of the extent to which the rezoning conforms to the plans of the City and will advise what procedures must be undergone in the rezoning process. The Planning Commission may extend the review period one time up to 30 days based on unusual and unforeseen conditions.

h. Any application for rezoning of a particular parcel of property will include a development plan of the proposed development in sufficient detail to assist in facilitating the review and rezoning process. The development plans should include at a minimum: (a) approximate tract boundaries; (b) approximate location with respect to land lot lines; (c) streets on and adjacent to the subject tract; (d) proposed general street layout; (e) significant topographic, physical, and historic features; (f) generalized existing vegetation; (g) proposed general lot layout; (h) total number of lots; and (i) building footprints where applicable.

Section 18.214 City of Poulan Enforcement Ordinance.

The City Council of the City of Poulan is hereby authorized to adopt, after a public hearing, such written regulations as may be necessary for the proper enforcement of the provisions of City ordinances. These additional regulations shall have the same effect as all provisions of this ordinance, and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of City ordinances as hereinafter provided.

a. Violations. In cases where a violation of City ordinances has been determined by the Zoning Administrator, the Zoning Administrator shall notify the owner of the property on which such violation is found by certified mail, sent to the address of the property owner as it appears in tax information. If the owner of the development is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the development. In the case that no valid mailing address can be obtained, or if the certified mail is returned to the Zoning Administrator, the notice of violation may be hand-delivered to the person deemed responsible for said violation. The notice of violation shall clearly state the nature of the violation, including specific provisions of this Article which have not been complied with, and the date by which said violations will be remedied. Said date will be determined by the Zoning Administrator based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the certified mail was received. In cases where the notice of violation is hand-delivered, the date upon which said violation(s) will be

remedied shall not exceed 30 days from the date of delivery.

b. Issuance of Stop Work Orders. The Zoning Administrator is authorized to issue stop work orders in any instance where a violation of City ordinances is found. The procedure for issuance of stop work orders shall be the same as the notification procedure for violations, as specified in Section 18.222, VIOLATIONS AND PENALTIES.

c. Procedure for Non-Compliance. In cases where a violation has occurred and the violator has not remedied the violation within the specified time period, or in cases where stop work orders have not been fully complied with, the Poulan Police Department, upon written notification from the Zoning Administrator of such violation or non-compliance, shall issue a citation requiring appearance in the Municipal Court of the City of Poulan and, upon conviction, shall be subject to a fine not to exceed \$500 or incarceration not to exceed 30 days, or by either fine, incarceration, or both in the discretion of the court. Each and every day that such a violation exists shall be deemed a separate offense.

Section 18.215 **Conflict with Other Ordinances and Effect or Partial Invalidity.**

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Poulan existing on the effective date of this ordinance, the provision which, in the judgment of the City Council of the City of Poulan, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail. Such other ordinances which establish a lower standard for the promotion and protection of the health and safety of the people are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective on the _____ day of _____, 2001.

Sections 18.216 - 18.220 **Reserved.**

**ARTICLE XXI. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY,
CONFLICT, AND EFFECTIVE DATE.**

Section 18.221 Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this ordinance to interfere with, abrogate, or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces or larger lot areas than are imposed or required by any other means, the provisions of this ordinance shall control.

Section 18.222 Violations and Penalties.

Any person violating, neglecting, or refusing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 18.223 Validity.

This ordinance and the various articles, sections, paragraphs, and clauses contained in said ordinance are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Section 18.224 Conflicting Provisions Repealed.

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 18.225 Effective Date.

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Poulan and are hereby ordered to be given immediate effect from and after the date of its passage.

Sections 18.226 - 18.230 Reserved.

CHAPTER 19.

SUBDIVISION REGULATIONS

- Article I. General Provisions.**
Section 19.1 Short Title.
Section 19.2 Jurisdiction.
Section 19.3 Content.
Section 19.4 Purpose.
Section 19.5 Scope.
Section 19.6 Administration.
 Section 19.6.1 Administration.
 Section 19.6.2 Duties.
 Section 19.6.3 Consultation.
 Section 19.6.4 Variances (Hardship).
Section 19.7 Fees.
Section 19.8 Zoning.
Sections 19.9 - 19.19 Reserved.
- Article II. Definitions of Terms.**
Section 19.20 Definitions.
Sections 19.21 - 19.29 Reserved.
- Article III. Subdivision Platting Procedures and Requirements.**
Section 19.30 Procedures and Requirements.
 Section 19.30.1 Predevelopment Review.
 Section 19.30.2 Preliminary Plat Procedure.
 Section 19.30.3 Preliminary Plat Requirements.
 Section 19.30.4 Certificate of Preliminary Plat Approval.
 Section 19.30.5 Construction of the Subdivision.
 Section 19.30.6 Final Plat Procedure.
 Section 19.30.7 Final Plat Requirements.
 Section 19.30.8 Combined Preliminary and Final Plat Approval Procedure.
 Section 19.30.9 Minor Subdivisions.
 Section 19.30.10 Certificate of Final Plat Approval.
 Section 19.30.11 Building and Lot Sales.
 Section 19.30.12 Recording of Plat.
 Section 19.30.13 Street, Easement Acceptance.
 Section 19.30.14 Reserved.
 Section 19.30.15 Revisions.
Sections 19.31 - 19.39 Reserved.
- Article IV. Improvements Required; Design and Construction Standards for all Subdivisions.**
Section 19.40 Improvements Required.

- Section 19.40.1 Streets.
- Section 19.41 Construction Standards.
 - Section 19.41.1 Monuments.
 - Section 19.41.2 Slopes.
 - Section 19.41.3 Streets.
 - Section 19.41.4 Shoulder Requirements.
 - Section 19.41.5 Buffer Requirements.
- Section 19.42 Design Standards.
 - Section 19.42.1 Blocks.
 - Section 19.42.2 Lots.
 - Section 19.42.3 Road Names.
 - Section 19.42.4 Reserved.
 - Section 19.42.5 Streets.
 - Section 19.42.6 Utilities.
- Sections 19.43 - 19.49 Reserved.
- Article V. Dedication and Reservation.
 - Section 19.50 Streets.
 - Section 19.51 Drainage Easements.
 - Section 19.52 Utility Easements.
 - Sections 19.53 - 19.59 Reserved.
- Article VI. Construction Schedule.
 - Section 19.60 Prior Approval.
 - Section 19.61 Grading.
 - Section 19.62 Inspections.
 - Section 19.63 Sale and Transfer.
 - Section 19.64 Building Permits.
 - Section 19.65 Occupancy.
 - Sections 19.66 - 19.69 Reserved.
- Article VII. Violations, Penalties, and Amendments.
 - Section 19.70 Violations.
 - Section 19.71 Penalties.
 - Section 19.72 Amendments.
 - Sections 19.73 - 19.79 Reserved.
- Article VIII. Appeals.
 - Section 19.80 Appeal to the Poulan City Council.
 - Section 19.81 Appeal from the Poulan City Council.
 - Sections 19.82 - 19.89 Reserved.
- Article IX. Legal Status Provisions.
 - Section 19.90 Repealer.
 - Section 19.91 Separability.
 - Section 19.92 Conflict with Other Regulations.
 - Section 19.93 - 19.99 Reserved.
- Article X. Wetland Protection.

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and
2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

h. Nursery schools, kindergartens, or day care facilities, provided that all State licensing requirements are met.

i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 Signs.

(See Article XVIII.)

Section 18.130 Off-Street Parking.

(See Article XVII.)

Section 18.131 Area, Height, and Setback Requirements.

(See Article XIX.)

Sections 18.132 - 18.135 Reserved.

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| 13. Dance School | One space for each employee, plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students. |
| 14. Duplex Dwelling Unit | One unpaved space per unit; residential driveways will satisfy this need. |
| 15. Financial Institution | One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window. |
| 16. Funeral Home | Six spaces per viewing room or one space for each 50 square feet of chapel used for services. |
| 17. Furniture Store | One space for each 400 square feet of gross floor area. |
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Section 18.130 **Off-Street Parking.**

(See Article XVII.)

Section 18.131 **Area, Height, and Setback Requirements.**

(See Article XIX.)

Sections 18.132 - 18.135 **Reserved.**

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ARTICLE XIV. M, MANUFACTURING DISTRICT.

Section 18.146 Statement of Purpose.

The intent of the Manufacturing District is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair services, and sales lots in addition to other retail and service establishment; to expand or extend existing districts only where there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 18.147 Permitted Uses.

- a. Any use permitted in the commercial zone districts.
- b. Manufacturing.
- c. Warehousing, wholesaling, shipping, and receiving.
- d. Agriculture.

Section 18.148 Conditional Uses.

- a. Petroleum bulk plant.
- b. Junkyards, automobile salvage yards, or scrap metal processors. (Site plan with appropriate screening and fencing are required.)
- c. Asphalt plants.
- d. Cement, line gypsum, or plaster of paris manufacturing.
- e. Fat rendering and fertilizer manufacturing.
- f. Paper and pulp manufacturing.
- g. Corrosive acid or alkali manufacturing.
- h. Public buildings and utilities.
- i. Cemeteries. (Site plan required.)
- j. Chemical plants.

- k. Churches. (See Section 18.48a.)
- l. Adult businesses.
- m. Uses similar to the above.

Section 18.149 Protective Screening.

(See Section 18.32.)

Section 18.150 Off-Street Parking.

(See Article XVII.)

Section 18.151 Area, Height and Setback Requirements.

(In accordance with Schedule of Regulations, Article XIX.)

Sections 18.152 - 18.155 Reserved.

ARTICLE XV. FH, FLOOD HAZARD DISTRICT.

Section 18.156 **Statement of Purpose.**

To restrict or prohibit uses which may be dangerous to health, safety, or property in times of flood, or which may cause increased flood heights or velocities; to require that uses vulnerable to floods, including public facilities which serve such uses, be provided with physical flood protection features at the time of initial construction; to protect individuals from buying lands which are unsuited for intended purposes because of flood hazards; and other public requirements to protect against floods.

Section 18.157 **District Boundaries.**

For the purpose of these regulations the Flood Insurance Study for Worth County, as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, is hereby made a part of these regulations. The Housing and Urban Development report shall be kept permanently in the office of the Zoning Administrator, where said reports shall be accessible to the general public. The boundaries of the Flood Hazard District shall be synonymous with the limits of the flood region as determined in the above said study (100-year flood plain).

Section 18.158 **Permitted Uses.**

- a. Single-family residences.
- b. Agriculture, poultry, and livestock raising and riding stables.
- c. Non-commercial recreational facilities involving only light structures primarily purposes of shelter and equipment storage such as fishing lakes, golf courses, tennis courts, archery clubs, swimming pools.
- d. Park and outdoor recreational facilities.

Section 18.159 **Required Plans.**

No permit shall be issued for the construction of any building or structure within the Flood Hazard District until the plans for such construction or use have been submitted to the Planning Commission and approval is given in writing for such construction or use. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

- a. Any structure or the filling of land permitted shall be of a type not appreciably

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

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2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

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i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 Signs.

(See Article XVIII.)

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(See Article XIX.)

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The intent of the Manufacturing District is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair services, and sales lots in addition to other retail and service establishment; to expand or extend existing districts only where there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 18.147 Permitted Uses.

- a. Any use permitted in the commercial zone districts.
- b. Manufacturing.
- c. Warehousing, wholesaling, shipping, and receiving.
- d. Agriculture.

Section 18.148 Conditional Uses.

- a. Petroleum bulk plant.
- b. Junkyards, automobile salvage yards, or scrap metal processors. (Site plan with appropriate screening and fencing are required.)
- c. Asphalt plants.
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- i. Cemeteries. (Site plan required.)
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- m. Uses similar to the above.

Section 18.149 Protective Screening.

(See Section 18.32.)

Section 18.150 Off-Street Parking.

(See Article XVII.)

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(In accordance with Schedule of Regulations, Article XIX.)

Sections 18.152 - 18.155 Reserved.

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- a. Any structure or the filling of land permitted shall be of a type not appreciably

ARTICLE XVI. NON-CONFORMING BUILDINGS AND USES.

Any lawful use of the land or buildings existing at the date of passage of this ordinance, and located in a district in which it would not be permitted as a new use under the regulations of this ordinance, is hereby declared to be a “non-conforming use” and not in violation of this ordinance at the date of adoption of this ordinance; provided, however, that a non-conforming use shall be subject to, and the owner shall comply with, the following regulations:

Section 18.166 Non-Conforming Use of Land, Continuation of Use.

A non-conforming use of land, which exists when this ordinance becomes effective, may be continued provided that:

- a. No such non-conforming use of land shall in any way be expanded or extended.
- b. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

Section 18.167 Restorations.

Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, or act of God may be restored to the same non-conforming use as existed before such damage.

Section 18.168 Discontinuance or Abandonment.

Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of 12 months shall thereafter conform to the provisions of this ordinance.

Section 18.169 Change of Tenancy or Ownership.

There may be a change in tenancy, ownership, or management of an existing non-conforming use.

Sections 18.170 - 18.175 Reserved.

ARTICLE XVII. OFF-STREET PARKING AND LOADING REQUIREMENTS.

Section 18.176 Scope of Provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purpose. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Section 18.177 Parking Spaces May Not Be Reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

Section 18.178 Drainage, Construction, and Maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Section 18.179 Separation from Walkways, Sidewalks, and Streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

Section 18.180 Parking Area Design.

Parking stalls shall have a minimum width of nine feet and a minimum length of 18 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90-degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 13 feet wide where used with 45-degree parking, and at least 12 feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least 10 feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Section 18.181 Joint Parking Facilities.

Two or more neighboring uses of the same or different types may provide joint facilities, provided the number of off-street parking spaces are not less than the sum of the individual requirements.

Section 18.182 **Pavement Markings and Signs.**

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrow, and signs shall be properly maintained so as to ensure their maximum efficiency.

Section 18.183 **Number of Parking Spaces.**

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

Section 18.184 **Street Parking Requirements.**

In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected or enlarged after their effective date of this ordinance shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the Zoning Administrator, that he/she is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use or that he/she is the lessee of such property.

Section 18.185 **Location of Parking Space for Other Land Uses.**

The off-street parking facilities required for all other uses shall be located on the lot or within 1000 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

Section 18.186 **Off-Street Parking Standards.**

USE	NUMBER OF PARKING SPACES REQUIRED
1. Apartments and Multi-family Dwellings	Two spaces for each dwelling unit, plus one space for each 10 units for travel trailers, boats and other

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
25. Kindergarten, Nursery Schools, and Day Care	One space for each employee, plus safe and convenient loading of children.
26. Nightclubs	One space for each 100 square feet of gross floor area, plus one space for each employee.
27. Nursing Home	One space for each two beds, plus one space for each employee on shift of greatest employment.
28. Office, Professional Building, or similar use	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
29. Personal Service Establishment	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
30. Repair Shop	One space for each 300 square feet of gross floor area, plus one space for each employee.
31. Restaurant or place dispensing food, drink, or refreshments to be consumed on the premises	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces.
32. Restaurant or place dispensing food, drink, or refreshments for carry-out only (and having out-door seating area)	One space for each 150 square feet of gross floor area (with a minimum of 10 parking spaces for this), plus one additional space for each three outdoor seats provided.
33. Restaurant of place dispensing food, drink, or refreshments for carry-out only (no seating provided)	One space for each 150 square feet of gross floor area with a minimum of 10 parking spaces.
34. Restaurant or place dispensing food, drink, or refreshments to be consumed on premises and also having a drive-	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces and providing an adequate lane for thru traffic which

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| thru service | will not obstruct required parking and driveway for the restaurant. |
| 35. Schools, Elementary | One space for each teacher, one space for each two employees and administrative personnel, and one space for each classroom, plus safe and convenient loading and unloading of students. |
| 36. Shopping Center (if over 35,000 square feet of gross floor area) | One space for each 300 square feet of gross floor area. |
| 37. Shopping Center (if 35,000 square feet or less of gross feet area) | One space for each 350 square feet of gross floor area. |
| 38. Swimming Pool | One space for each 200 square feet of water surface area, plus requirements for additional uses in association with the establishment, such as a restaurant, etc. |
| 39. Trailer Park | One space for each trailer stall, plus one space for each two employees. |
| 40. Retail Stores of all types not mentioned otherwise. | One space for each 300 square feet of gross floor area. |
| 41. Wholesale Establishment | One space for each employee, plus sufficient spaces to accommodate vehicles used in the conduct of the business. |

Section 18.187 Off-Street Loading Requirements.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
25. Kindergarten, Nursery Schools, and Day Care	One space for each employee, plus safe and convenient loading of children.
26. Nightclubs	One space for each 100 square feet of gross floor area, plus one space for each employee.
27. Nursing Home	One space for each two beds, plus one space for each employee on shift of greatest employment.
28. Office, Professional Building, or similar use	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
29. Personal Service Establishment	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
30. Repair Shop	One space for each 300 square feet of gross floor area, plus one space for each employee.
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Such loading and unloading space, unless otherwise adequately provided for, shall be an area 10 feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 10,000	None
10,001 - 100,000	One space for the first 10,001 square feet, plus one additional space for each additional 40,000 square feet in excess of 10,001 square feet.
100,000 - 500,000	Three spaces for the first 100,001 square feet, plus one space for each additional 100,000 square feet in excess of 500,001 square feet.

Section 18.188 **Minimum Number of Loading Spaces Required.**

Industrial, wholesale, and retail operations shall provide space as follows:

a. Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

b. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.

c. Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the City.

Sections 18.189 - 18.190 **Reserved.**

ARTICLE XVIII. SIGN REGULATIONS.

Section 18.191 **Signs Shall Meet Requirements of this Section.**

All signs within the City shall be erected, constructed, or maintained in accordance with the provisions of the sections below and applicable sections of the City Building Code, and only those signs that are permitted by these regulations shall be erected within the City.

Section 18.192 **No Signs Shall Hamper Traffic Safety.**

No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of-way.
- b. Would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
- c. Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.
- d. Uses admonitions, such as “stop”, “go”, “slow”, “danger”, etc., which might be confused with traffic directional signals.

Section 18.193 **Locations Prohibited.**

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural object. No signs other than those signs erected by public governmental agencies or signs required by law, shall be placed so as to overhang any portion of public rights-of-way or other public properties.

Section 18.194 **Illumination Not to Be a Nuisance.**

Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and/or approaching vehicles.

Section 18.195 **Signs Not Requiring a Permit.**

The following signs shall not require a permit:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.

- c. Warning signs and no trespassing signs.
- d. Signs established by governmental agencies.
- e. Signs indicating bus stops, taxi stands, and similar transportation facilities.
- f. Signs not exceeding 10 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
- g. Temporary real estate signs on a residentially zoned piece of property shall be limited to a maximum of 10 square feet, and temporary real estate signs in any zones other than residential should be a maximum of 32 square feet.
- h. Any sign not exceeding 10 square feet in area other than advertising, separate use, or signs requiring electrical wiring.
- i. Temporary signs on private land involved in campaigns and religious, charitable, civic, fraternal, political, and similar organizations.

Section 18.196 Maximum Area of Signs.

- a. The maximum area of a point of business sign, an incidental use sign, or an identification sign shall be 150 square feet; except in R-1, R-2, and C-1 Zones, all signs (except identification sign and signs as identified in Section 18.195) shall be no larger than ten square feet in area and shall not be illuminated directly or indirectly.
- b. The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or trim.
- c. The maximum area of a portable sign shall be 40 square feet.
- d. A temporary sign for a non-conforming business shall not exceed a maximum of 32 square feet.
- e. Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

Section 18.197 Standards for Off-site Advertising Signs (Billboards).

- a. Location where allowed: Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:
 - 1. C-2 (Highway Commercial)

2. M (Manufacturing)
- b. Off-site Advertising Sign Requirements:
1. Sign Surface Area (Maximum) - 750 square feet per face
 2. Maximum number of signs - Two signs per sign structure which may be single- or double-faced, provided that each side shall have no more than 750 square feet.
 3. Height (Maximum) -
 - (a) Arterial Street Location - 45 feet
 - (b) All other locations where allowed - 18 feet
 4. Minimum clearance required under sign will be 10 feet.
 5. Minimum Setback - Five feet from the nearest right-of-way line; and 10 feet from the right-of-way line intersection point measured at any angle.
 6. Minimum Spacing - 300 feet on the same side of the road from another off-site sign.
- c. Priority of Signs:

Where the location of two or more off-site advertising signs conflicts under the requirements of this ordinance, the sign meeting the requirements of this ordinance and having the earliest dated permit for its erection shall have priority over other signs in conflict herewith.

d. Off-site advertising signs shall not be established at any location having principal frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, or residential districts including AG, R-1, R-2, and C-1 Zones.

e. No revolving or rotating beam or beacon or light that resembles or simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. Within 30 days from the effective date of this ordinance this provision must be complied with.

f. External lighting, such as floodlights, thin line, and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within 30 days from the effective date of this ordinance, this provision must be complied with.

Section 18.198 **Issuance of Permits, Administration, and Filing Procedure.**

a. **Issuance of Permits:** No sign, except those listed in Section 18.195 shall be erected, hung, or placed or structurally altered without a permit from the Zoning Administrator.

b. **Filing Procedure:** Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by plans showing the area of the sign, size, and character, and the method of illumination, if any, the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

c. **Additional Information:** Each applicant shall, upon the request of the Zoning Administrator, submit any additional information deemed necessary by said administrator.

Section 18.199 **Signs on Residential Property.**

No signs of any kind shall be permitted on residential properties in the City except signs identifying the name of the occupant and the address of the premises, and signs advertising a home occupation business as defined and permitted in Article II and other provisions of this ordinance.

Section 18.200 **Reserved.**

ARTICLE XIX. AREA, HEIGHT, AND SETBACK REQUIREMENTS.

Section 18.201 Schedule of Regulations.

Zoning Districts	Minimum Lot Area Sq. Ft.	Minimum Lot Width Ft.	Front Yard Ft.	Side Yard Ft.	Rear Yard Ft.	Maximum Height Ft.	Minimum Dwelling Size (Sq. Ft.)
R-1	15,000	100	40	10	40	35	800
R-2: Single-Family	10,000	100	30	8	30	35	800
Two-Family	7,000	100	30	8	30	35	800
Multi-Family	3,630	100	30	8	30	35	800
R-MHP	25 acres	-	-	-	-	35	800
R-PUD	(A)(B)	(A)(B)				(A)(B)	800
C-1	-	100	30	-	-	-	
C-2	-	-	30	5	-	-	
C-PUD	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	
M	-	-	30	20	20	-	
AG	15,000	100	40	10	12	35	
FH	15,000	100	40	10	50	35	800

(A)(B)(C), etc., denotes references to Footnotes to Schedule of Regulations, next page.

***Minimum lot size requirements noted in this schedule** are for developments with both a public or community water supply and public sewerage system. NOTE: All residential lots served by a public water system and an on-site sewerage disposal system shall have a minimum lot area of 21,780 square feet. All residential lots not served by a public water system or a public sewerage system shall have a minimum lot area of 43,560 square feet. Lot sizes shall comply with the on-site

sewerage management systems manual and any state or federal law, rule, or regulation requiring the amendment of lot sizes as promulgated by state or federal authorities from time to time. (Consult Worth County Health Department).

Development within the R-1, R-2, R-MHP, R-PUD, and AG Districts shall be in accordance with the densities identified in the Land Use and Development Plan.

Minimum Lot Width at the road right-of-way and at the minimum building setback line shall be 150 feet along local roads, 250 feet along collector roads, and 300 feet along arterial roads. The minimum building setback from the right-of-way shall be 150 feet on local roads, 200 feet on collector and arterial roads, excluding lots in major subdivisions.

FOOTNOTES OF ARTICLE XIX SCHEDULE OF REGULATIONS

a. **PLANNED UNIT DEVELOPMENTS.** The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings in lots of record, would in certain cases of large-scale developments have results affording less protection to the public health, safety, and welfare than if a measure of flexibility were permitted. The permitting of these planned unit developments can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects in adjoining properties.

Therefore, the zoning regulations, relative to area, height, bulk, and placement, may be modified by the Planning Commission and City Council in the case of a plan for a large scale development which in the judgment of the Planning Commission and City Council provides adequate open space and improvements for circulation, recreation, education, light, air, and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed that of the zoning regulation requirements, and provided further that the minimum site for residential planned unit development is three acres.

b. Refer to Section 18.66(R-PUD).

c. Refer to Section 18.136 (C-PUD).

Sections 18.202 - 18.205 Reserved.

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT.

Section 18.206 Enforcement.

The Zoning Administrator shall administer and enforce this ordinance and is hereby given the authority and responsibility to enforce all provisions of this ordinance under the direction of the City Council which includes, but is not limited to, the following duties:

- a. To serve as a liaison between the Worth County Planning Commission and the City Council keeping each body advised of pending actions pertaining to zoning.
- b. To serve as a non-voting Ex-Officio member of the Planning Commission to provide technical assistance in matters relating to zoning requests.
- c. To maintain in a timely and current manner the Official Zoning Maps reflecting thereon any and all rezoning amendments approved by the City Council. Amendments of the Official Zoning Map will be posted by the Zoning Administrator within seven calendar days following approval of such action by the City Council.
- d. To perform any other rezoning duties as directed by the City Council.

Section 18.207 Permits.

The following shall apply in the issuance of any permits.

- a. **Permits Required.** It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of any existing building without first obtaining a building permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and with the Building Code.

No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.

Section 18.208 Certificates of Occupancy.

It shall be unlawful to use or permit the use of land, building, or structure for which a building permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator has issued a Certificate of Occupancy stating that the provisions of this ordinance have been complied with.

a. Certificate Validity. The Certificate of Occupancy as required for new construction of or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this ordinance.

b. Temporary Certificate. Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire buildings or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the buildings or structure are in conformity with the provisions of this ordinance.

c. Records of Certificates. A record of all Certificate of Occupancy shall be kept in the office of the Zoning Administrator and copies of such certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

d. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy but rather may be included in the Certificate of Occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

e. Application for Certificates. Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection of alteration of such building shall have been completed in conformity with the provisions and requirements of this ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within 10 days.

Section 18.209 **Fees.**

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the City Council from time to time and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

Section 18.210 **Amendments.**

The City Council may amend, supplement, or change the regulations or the district boundaries as established in this ordinance. The procedure for submitting a request for an amendment to this ordinance or district boundaries of the official Zoning Map shall be as follows:

a. The applicant shall complete and submit to the Zoning Administrator a rezoning application at least 20 days prior to the next scheduled Planning Commission meeting. Completed

applications submitted less than 20 days will not be considered for that meeting.

b. At the time of the application submittal, the application shall deposit the appropriate fee amount with the Zoning Administrator to cover the cost of processing the application.

c. Within 10 days of the next scheduled Planning Commission meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Planning Commission members and all other relevant personnel.

Section 18.211 **Zoning Policies and Procedures.**

The following policies and procedures are herein established to provide guidelines for the following zoning activities:

a. The adoption of a new City Zoning Ordinance.

b. The adoption of an amendment to the Zoning Ordinance which changes the text of the ordinance (Text Amendment).

c. The adoption of an amendment to a Zoning Ordinance Map which rezones property from one zoning classification to another (Map Amendment).

d. The procedure requirements for zoning amendments sponsored by the City Council.

e. The procedure requirements for zoning amendments sponsored by a citizens or property owner.

Section 18.212 **Policies and Procedures for City Initiated Zoning Activities:**

a. In the case of developing an initial zoning ordinance (map and text) or updating or amending an existing zoning plan, the Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans, or other relevant documents as a resource for ordinance development or ordinance amendment. The City Council and the Planning Commission will each hold at least one public hearing on any new zoning ordinance development or any proposed amendment to the current zoning ordinance.

b. Upon the completion of a preliminary zoning document by the Planning Commission and after such document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Planning Commission and the City Council, respectively. The official public hearing will be held by the Planning Commission, and public notice of such hearing will be given no less than 15 days nor more than 45 days prior to the official hearing date.

c. Public hearing notices will be published in a newspaper of general circulation within

the City for two consecutive weeks prior to the official public hearing date. The public hearing notice will state the time, place, and purpose of the hearing.

d. All amendments to any existing zoning plan must be reviewed by both the Planning Commission and the City Council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the City Council shall have the Planning Commission prepare an evaluation of each such proposed rezoning considering each of the following factors:

Rezoning Criteria:

1. Does the proposed zoning classification promote the health, safety, moral or general welfare?
2. The existing uses of the subject property and adjacent and near properties.
3. The current zoning of the subject property and adjacent or near properties.
4. The extent to which property values are diminished by the present zoning restrictions.
5. The extent to which the restrictions diminishing property values promotes the health, safety, morals, or general welfare of the public.
6. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
7. The suitability of the subject considered under the proposed zoning.
8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
9. Conformity with the Worth County Land Use Plan.

e. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

f. The preside of each respective public hearing will review for those present the following operating procedures for the public hearing.

1. Each side of a zoning issue will be allowed a minimum of 10 minutes per side for the presentation of data, evidence, and opinions.
2. In order for a person in attendance to speak, such person must be recognized

by the Chair. Upon rising to speak, the person recognized will first identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.

3. Additional persons will be recognized per the above procedure for the purpose of addressing additional elements of the proposed zoning or to make additional points with regard to elements already addressed but not to rehash points already made.
4. Appropriate notes or minutes will be recorded by the City Council and the Planning Commission at their respective public hearings.

g. The Planning Commission shall prepare and submit the necessary minutes, evaluations, and/or recommendations to the City Council prior to the City Council's public hearing.

h. The City Council at its public hearing will review the evaluation and recommendations from the Planning Commission and may choose to adopt, reject, or modify the Planning Commission recommendations or the business may be tabled for additional study to the next regular Council meeting.

Section 18.213 **Procedures for Rezoning Property Requested by Citizen/Property Owner.**

a. An application for rezoning must be filed with the Zoning Administrator on a prescribed form and fees paid as set by the City Council.

b. The Zoning Administrator will inform the applicant of the public hearing dates. The Planning Commission will convene a public hearing on each proposal. The official public hearing will be held by the Planning Commission and public notice of such hearing will appear no less than 15 days nor more than 45 days prior to the official public hearing.

c. Official public notices will be published in a newspaper of general circulation in the City for two consecutive weeks prior to the official public hearing date.

d. The public hearing notice will name the applicant, the location of the property to be affected, the present zoning classification, the proposed zoning classification, and the date, time, and place of both the Planning Commission hearing and the public hearing to be held by the City Council.

e. The Zoning Administrator shall have erected on the property for which rezoning is to be considered a sign of no less than 17 inches by 24 inches announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning classification and the proposed zoning classification. The sign shall be clearly visible from a public street. It shall be

erected not less than 15 days prior to the official public hearing date. (Planning Commission).

f. Any application for rezoning of a particular parcel of property which is denied by the City may not again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the rezoning request.

g. Prior to the filing of an application for rezoning, the citizen/property owner or his/her engineer or agent is required to consult with the Zoning Administrator and other appropriate City departments for the purpose of facilitating the review process. As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the City, advise the citizen/property owner, within 60 days, of the extent to which the rezoning conforms to the plans of the City and will advise what procedures must be undergone in the rezoning process. The Planning Commission may extend the review period one time up to 30 days based on unusual and unforeseen conditions.

h. Any application for rezoning of a particular parcel of property will include a development plan of the proposed development in sufficient detail to assist in facilitating the review and rezoning process. The development plans should include at a minimum: (a) approximate tract boundaries; (b) approximate location with respect to land lot lines; (c) streets on and adjacent to the subject tract; (d) proposed general street layout; (e) significant topographic, physical, and historic features; (f) generalized existing vegetation; (g) proposed general lot layout; (h) total number of lots; and (i) building footprints where applicable.

Section 18.214 City of Poulan Enforcement Ordinance.

The City Council of the City of Poulan is hereby authorized to adopt, after a public hearing, such written regulations as may be necessary for the proper enforcement of the provisions of City ordinances. These additional regulations shall have the same effect as all provisions of this ordinance, and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of City ordinances as hereinafter provided.

a. Violations. In cases where a violation of City ordinances has been determined by the Zoning Administrator, the Zoning Administrator shall notify the owner of the property on which such violation is found by certified mail, sent to the address of the property owner as it appears in tax information. If the owner of the development is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the development. In the case that no valid mailing address can be obtained, or if the certified mail is returned to the Zoning Administrator, the notice of violation may be hand-delivered to the person deemed responsible for said violation. The notice of violation shall clearly state the nature of the violation, including specific provisions of this Article which have not been complied with, and the date by which said violations will be remedied. Said date will be determined by the Zoning Administrator based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the certified mail was received. In cases where the notice of violation is hand-delivered, the date upon which said violation(s) will be

remedied shall not exceed 30 days from the date of delivery.

b. Issuance of Stop Work Orders. The Zoning Administrator is authorized to issue stop work orders in any instance where a violation of City ordinances is found. The procedure for issuance of stop work orders shall be the same as the notification procedure for violations, as specified in Section 18.222, VIOLATIONS AND PENALTIES.

c. Procedure for Non-Compliance. In cases where a violation has occurred and the violator has not remedied the violation within the specified time period, or in cases where stop work orders have not been fully complied with, the Poulan Police Department, upon written notification from the Zoning Administrator of such violation or non-compliance, shall issue a citation requiring appearance in the Municipal Court of the City of Poulan and, upon conviction, shall be subject to a fine not to exceed \$500 or incarceration not to exceed 30 days, or by either fine, incarceration, or both in the discretion of the court. Each and every day that such a violation exists shall be deemed a separate offense.

Section 18.215 **Conflict with Other Ordinances and Effect or Partial Invalidity.**

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Poulan existing on the effective date of this ordinance, the provision which, in the judgment of the City Council of the City of Poulan, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail. Such other ordinances which establish a lower standard for the promotion and protection of the health and safety of the people are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective on the _____ day of _____, 2001.

Sections 18.216 - 18.220 **Reserved.**

**ARTICLE XXI. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY,
CONFLICT, AND EFFECTIVE DATE.**

Section 18.221 Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this ordinance to interfere with, abrogate, or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces or larger lot areas than are imposed or required by any other means, the provisions of this ordinance shall control.

Section 18.222 Violations and Penalties.

Any person violating, neglecting, or refusing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 18.223 Validity.

This ordinance and the various articles, sections, paragraphs, and clauses contained in said ordinance are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Section 18.224 Conflicting Provisions Repealed.

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 18.225 Effective Date.

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Poulan and are hereby ordered to be given immediate effect from and after the date of its passage.

Sections 18.226 - 18.230 Reserved.

CHAPTER 19.

SUBDIVISION REGULATIONS

- Article I. General Provisions.**
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 - Section 19.2 Jurisdiction.**
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 - Section 19.30.4 Certificate of Preliminary Plat Approval.**
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ARTICLE I. GENERAL PROVISIONS.

Section 19.1 Short Title.

This Ordinance shall be known and may be cited as the Subdivision Regulations of the City of Poulan, Georgia.

Section 19.2 Jurisdiction.

These Regulations control the subdivision of land within the corporate limits of the City of Poulan, Georgia.

Section 19.3 Content.

These Regulations require and regulate the preparation of Preliminary Plats and Final Plats for the subdivision of land; establish minimum design and construction standards for subdivision, streets, and improvements; set forth the procedure to be followed in applying these Regulations; provide penalties for violation of these Regulations; and set forth other matters pertinent to the development of land.

Section 19.4 Purpose.

The various sections of this Ordinance are adopted for the following purposes, among others:

1. To encourage the development of an economically sound and stable community so as to help conserve and protect the natural, economic, and scenic resources of the City of Poulan, Georgia.
2. To assure the provisions of required streets, utilities, and other facilities and services to new land developments, to help prevent traffic congestion and hazards which result from narrow or poorly aligned streets.
3. To assure safe and convenient traffic access and circulation, both vehicular and pedestrian, and to help insure that all building lots will be readily accessible to fire fighting equipment and other emergency and service vehicles.
4. To encourage the provision of needed public open spaces and building sites in new land development through the dedication or reservation of land for recreational, educational, and other public purposes.
5. To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration being given to the

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5. To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration being given to the

drainage characteristics of the tract of land at the time the land is being subdivided into streets and lots.

6. To assure adequate identification of property on the public records.

Section 19.5

Scope.

1. No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land which is located within the City limits of the City of Poulan, except in conformity with the provisions of these Regulations.
2. Any owner or developer of any tract of land situated within the City who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Office of the Clerk of the Superior Court of Worth County, Georgia. No such plat of subdivision shall be recorded unless and until it shall have been submitted to the Worth County Planning Commission for recommendation to the Poulan City Council and the City Council of the City of Poulan for approval certification.
3. These Regulations bear no relation to any private easement, covenant, agreement, or restriction, and the responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied herein to any public official. When these Regulations call for more restrictive standards than those required by private contract, the provisions of these Regulations shall control.
4. No person shall divide or subdivide or cause a subdivision to be made along unpaved public or private roads. Minor subdivisions are excluded from this requirement.

Section 19.6

Administration.

Section 19.6.1

Administration.

The Worth County Planning Commission or its duly authorized representative is hereby delegated to administer these regulations; provided, however, all major subdivision shall be approved by the City Council of the City of Poulan.

The Zoning Administrator shall be an ex-officio member of the Worth County Planning Commission and shall be authorized to act in the place and stead of any officer of the Worth County Planning Commission who is unavailable.

Section 19.6.2 **Duties.**

The Worth County Planning Commission shall perform its duties in respect to subdivision and re-subdivision in accordance with these Regulations.

Section 19.6.3 **Consultation.**

In the performance of its duties, the Planning Commission may call for opinions or decision, either oral or written, from departments of the City of Poulan or Worth County, consultants, and agencies in considering details of any submitted plan.

Section 19.6.4 **Variances (Hardship).**

The Planning Commission may recommend and the City may grant variances from the literal requirements of these regulations in cases where the size, shape, or topography of a parcel prevents it from being designed to conform to these regulations.

Such variances may be granted in such cases of unnecessary hardship on a finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
2. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public interest or impair the purposes and intent of this ordinance.

If the City Council grants a variance, the reason for such variance must be put forth clearly in the minutes of the meeting at which the variance was granted.

Section 19.7 **Fees.**

The Worth County Board of Commissioners shall establish a reasonable fee schedule to help cover the costs of administering the subdivision ordinance. Said fees shall be submitted with preliminary or final plat and, upon acceptance of said plat for review and consideration, shall be deposited into the Treasury of Worth County. Provided, however, all fees established for administration of this ordinance in the City of Poulan shall be approved and adopted by the City Council of the City of Poulan.

Section 19.8 **Zoning.**

Every preliminary plat must conform to existing zoning regulations applicable at the time the preliminary plat is submitted for approval.

Sections 19.9 - 19.19 **Reserved.**

ARTICLE II. DEFINITIONS OF TERMS.

Section 19.20 Definitions.

The following words or phrases, when used in these regulations for the purpose of these regulations, shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

Building Line: The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

Building Permit : A written permit issued by the Worth County Building Inspection Department.

City Council: The City Council of the City of Poulan, Georgia.

County Commission: The Board of Commissioners of Worth County, Georgia.

Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person.

Elevation Certificate: A document produced by the Federal Emergency Management Agency (FEMA) to be used by registered land surveyors or other authorized individual to verify and record the actual as-built lowest floor elevation of a structure. This document will be required to be filed with the City of Poulan when a structure is being constructed or substantially improved in a special flood hazard area (Zones A, AE, A-1 through A-30, AO, and AH).

Engineer: A registered professional engineer licensed by the State of Georgia.

Flood Plain: The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodgate as depicted on the Worth County Flood Maps.

Frontage, Lot: The distance for which the front property line of the lot and street line are coincident.

Health Department: The Worth County Health Department.

Lot: A parcel of land occupied or to be occupied by one or more main structures and its accessory buildings with such open and parking spaces as are required by the provisions of these regulations and having its frontage upon a public street or streets.

Lot of Record: A lot or parcel of land whose existence, location, and dimensions have been recorded in the office of the Clerk of the Superior Court of Worth County.

Minor Subdivision: A subdivision of land of not more than three lots, provided that such subdivision does not involve any new street, nor change in grade, or drainage, nor dirt moving.

Official Map: The map approved by the Planning Commission and adopted by the City which identifies existing and proposed roads and streets in the City.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parcel: A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Parent Tract: Each tract of land located within the City of Poulan on the effective date of this ordinance and held in single and separate ownership is a parent tract.

Planning Commission: The Worth County Planning Commission.

Plan, Final: The plat submitted to the Planning Commission and the Poulan City Council for final approval and, subsequently, to be recorded with the Clerk of the Superior Court of Worth County.

Plat, Preliminary: That plat or layout of a proposed subdivision submitted to the Planning Commission/City Council for approval prior to submission of the final plat.

Public Utilities: Water, gas, sanitary, and storm sewer, electrical and communication lines and facilities, and natural or improved drainage facilities.

Right-of-Way: Access over or across a particularly described property for a specific purpose.

Street: A right-of-way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, freeway, boulevard, lane, place, circle, alley, or otherwise. Various types of streets may be defined as follows:

1. **Arterial:** A public way which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used as a traffic artery for inter-communication among large areas.

2. **Major Collector:** A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification.
3. **Minor Collector:** Principal entrance streets to subdivisions and the main streets for circulation within a subdivision which serve a network of four or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets.
4. **Local:** A street used primarily in residential subdivision for access to abutting properties as opposed to the collection and dispersion of traffic.
5. **Cul-De-Sac:** A local street with only one outlet, closed and terminated by a vehicular turnaround.
6. **Marginal Access:** A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

Street Grade: The grade of the curb or centerline of a street measured at any point along the street.

Structure: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground. Among other things, structure includes buildings, mobile homes, walls, fences, billboards, and advertising signs.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing or required by law to commence proceedings under these regulations to effect a subdivision of land thereunder for himself or for another.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; however, the following are not included in this definition:*

1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the standards of these regulations and all other ordinances and resolutions of the City; provided, however, that no changes in roads or drainage are proposed or necessary.
2. Subdivision into parcels which have 100 acres or more, provided that the “cut off” tract or the resultant tract with which it is combined will then front on a public road.

*Exempt subdivisions must nonetheless comply with minimum platting specifications for final plats. (See Section 300.7 of these regulations.)

Sections 19.21 - 19.29

Reserved.

ARTICLE III. SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS.

Section 19.30 Procedures and Requirements.

Section 19.30.1 Predevelopment Review.

Prior to filing of an application for preliminary plat approval, the developer, his engineer, or agent is encouraged to consult with the Zoning Administrator and other appropriate City/County departments for the purpose of facilitating the review process.

a. **Sketch Plan:** It is also recommended that a sketch plan of the proposed development be submitted by the subdivider for review at this time. The sketch plan should contain the following data which may be obtained from base maps available at the County Tax Assessor's Office or the Southwest Georgia RDC.

1. Approximate tract boundaries and total acreage;
2. Approximate location with respect to land lot lines;
3. Streets on and adjacent to the tract;
4. Proposed general street layout;
5. Significant topographic, physical, and historic features;
6. Generalized existing vegetation; and
7. Proposed general lot layout and total number of lots.

b. **Sketch Plan Review.** As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the City, advise the subdivider, within 15 working days, of the extent to which the proposed subdivision conforms to the standards of these regulations and other applicable ordinances or statutes, and will advise what additional documents, possible plan modifications, etc., must be submitted and what review procedures must be undergone in order to obtain final plat approval. If the proposed project requires consideration for growth management impact and environmental review, then the predevelopment review may be extended up to 90 days.

Section 19.30.2 Preliminary Plat Procedure.

Any person desiring to subdivide land shall file with the office of the Zoning Administrator appropriate copies of the preliminary plat. The plat shall be prepared in accordance with these regulations and to City of Poulan specifications by a registered surveyor, who is licensed under the laws of the State of Georgia. All improvements (street design, storm water devices, etc.) shown on

the plat shall be designed in accordance with accepted engineering practices. If a failure of said improvements occurs, due to inadequate design, replacement of said improvements and all associated costs for replacement of said improvements shall be the responsibility of the developer of said improvements.

a. **Filing:** The preliminary plat shall be deemed filed with the Worth County Planning Commission/City of Poulan when it is filed with the Zoning Department.

b. **Distribution and Review:** Copies of the preliminary plat shall be distributed by the Zoning Administrator to the Planning Commission, Worth County Health Department, appropriate City department heads, and the Southwest Georgia RDC for review and recommendation to the Planning Commission. Prior to the Planning Commission meeting, the RDC shall submit, in writing, copies of their recommendations to the Worth County Planning Commission. Recommendations from other agencies and departments may also be submitted.

c. **Approval:** Approval or disapproval of the preliminary plat by the Planning Commission/Poulan City Council shall be accomplished within 60 days after the date of the scheduled regular Planning Commission meeting following submission of the application, except for providential cause. If, after the 45 days, the Planning Commission/Poulan City Council have failed to act, the preliminary plat shall be deemed approved, provided that the subdivider may waive in writing this requirement and consent to an extension of such period. If the Planning Commission/Poulan City Council disapprove the preliminary plat, the reasons shall be stated in the resolution and subdivider shall be so advised.

Section 19.30.3 Preliminary Plat Requirements.

The preliminary plat may be a sketch of approximate accuracy and at a scale that is appropriate for the size of the tract and the number of lots platted, and where all dimensions are logical, made directly on a print of a boundary survey.

The preliminary plat will include the following information:*

a. Proposed subdivision name and total acres. **Subdivision names shall not duplicate the name of any other subdivision in the City.**

b. Name of owner of subdivision.

c. The names of owners of all adjacent land contiguous to the proposed subdivision.

d. A vicinity map showing the relative location of the proposed subdivision.

e. Proposed street names, right-of-way and roadway width. Street names are subject to Poulan City Council approval.

- f. Location of utility and drainage easements. All drainage easement will be clearly marked on the proposed plat and dedicated to the City.
- g. Lot lines, lot and block numbers (consecutively numbered or lettered), lot sizes, area in parks, etc.
- h. Topographic maps of all land subdivided, with scale and contour interval as deemed appropriate by the Planning Commission/Poulan City Council.
- i. Minimum building set-back lines.
- j. Numerical scale, graphic scale, north arrow, date.
- k. All elevations shall be based on sea level datum.
- l. Soil characteristics, including soil types and capabilities, Health Department mapping of high intensity soils, frequency and evaluations of seasonal high groundwater tables, occurrence of rock, and other impervious strata where the subdivision is not to be served by a public or community sewerage system. This should be superimposed on the plat.
- m. Plans for control of erosion and sedimentation.
- n. Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems.
- o. Delineation on plat of all wetlands and 100-year regulatory flood plains.
- p. If Georgia Department of Transportation (DOT) approval and permits are required, submit a copy of the Georgia DOT approval letter and permit.
- q. Site Reservation for garbage dumpsters, with 10 or more lots as needed.
- r. Health Department statement of approval of all lots.
- s. If federal or state agencies such as, but not limited to, the Georgia Department of Natural Resources, Environmental Protection Division, and U.S. Army Corps of Engineers approval and permits are required, then letters, permits, and site documentation will be submitted prior to plat approval.
- t. It shall be required on all proposed subdivisions that are mobile, manufactured, modular, industrialized, or site built dwellings be on a concrete block or brick foundation walls and piers on a poured concrete footing. This does not apply to dwellings built on a poured concrete slab without a crawl space. All other codes apply.

*Where, in the judgment of the Planning Commission, any requirements under this section are determined as not necessary, the Planning Commission/Poulan City Council may recommend a waiver of said requirement(s).

Section 19.30.4 Certificate of Preliminary Plat Approval.

At such time as the preliminary plat may be approved by the Planning Commission/Poulan City Council, certificates of approval shall be inscribed on the plat to indicate such approval by these bodies.

Certificate by the Poulan City Council: Upon approval by the City Council, or after the required 45 days in which the City has failed to act on a request for approval, the City Council shall cause to be inscribed on the plat the following:

Pursuant to the Subdivision Regulations of the City of Poulan, Georgia, all the requirements for approval having been fulfilled, this preliminary plat was given approval by the City Council of the City of Poulan, Georgia, on the ____ day of _____, 200__.

This approval does not constitute approval of a final plat.

_____ Date

_____ Mayor

Section 19.30.5 Construction of the Subdivision.

Construction of the proposed subdivision may commence only after approval of the preliminary plat by the Poulan City Council. The developer shall arrange periodic inspections of the project by the appropriate City and County departments during the course of construction.

Section 19.30.6 Final Plat Procedure.

The final plat shall substantially conform with the approved preliminary plat. If desired by the subdivider, the final plat may constitute only that portion (phasing) of the preliminary plat subdivider proposes to record and develop at that time.

a **Filing:** Following approval of the preliminary plat and the completion of all required improvements to City standards, the developer shall file with the Zoning Administrator an application for final plat approval.

b. **Application Requirements:** The application shall contain:

1. A letter of application containing the name and address of a person to whom notice may be sent.

2. A complete list of deviations if any, from that which appeared on the approved preliminary plat.
3. A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
4. A copy of the agreement between the subdivider and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
5. Evidence of the posting of a surety bond, or other form of warranty acceptable to the City, to insure the maintenance of required public facilities and improvements for a period of one year after completion of said improvements.
6. The original reproducible on plastic or linen and a minimum of 10 prints of the final plat.
7. Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins sufficient to protect lots and surrounding properties and to control any substantial erosion.
8. A plan showing the location of all water, sewer, gas, and electrical system improvements, including locations of service connections.
9. If the proposed water/sewerage system for a subdivision requires the approval of the Georgia Department of Human Resources and/or the Georgia Department of Natural Resources, the approval shall be obtained **prior** to making application for approval of the final plat. The approval shall be in writing to the Planning Commission/Poulan City Council.
10. All as-built plans indicating the permanent soil erosion and sedimentation control measures, storm drainage facilities, and public utilities. A copy of this plan shall be provided to the zoning office and the City of Poulan.

c. **Approval by the Planning Commission/Poulan City Council:** Approval or disapproval of the final plat by the Planning Commission/Poulan City Council shall be accomplished within 60 days after the date of the scheduled regular Planning Commission meeting following submission of the application. If, after the 60 days, the Planning Commission/Poulan City Council have failed to act, the final plat shall be deemed approved provided that the subdivide may waive in writing the requirement and consent to an extension of such period. If the Planning Commission/Poulan City Council disapprove the final plat, the reasons shall be stated in the resolution and the subdivider shall be so advised.

Section 19.30.7 **Final Plat Requirements.**

The final plat shall conform with the preliminary plat and requirements therefor as set forth in these regulations and shall be drawn in permanent ink on one or more sheets of linen tracing cloth or reproducible plastic measuring not greater than 11 inches by 17 inches.

The final plat shall show the following:

- a. Primary control points and bench marks with necessary descriptions and locations of such control points, including all dimensions, angles, bearings, and similar data necessary for proper location.
- b. Tract boundary lines, right-of-way lines of streets, easements, and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings of deflection angles, radii, and central angle of all curves.
- c. Names and right-of-way of each street or other right-of-way as well as width of all streets. Street names and numbering shall be in accordance with the requirements of the County Enhanced 911 System and subject to Poulan City Council approval.
- d. Location, dimensions, and purpose of any easements.
- e. Number or letter to identify each lot.
- f. Purpose for which sites, other than residential lots, are dedicated or reserved.
- g. Minimum building set-back lines on all lots and other sites.
- h. Location and description of monuments.
- i. Name of owners of adjoining land.
- j. Reference to recorded subdivision plats of adjoining platted land by recorded names, date, and book and page number.
- k. Certification by registered surveyor or registered engineer to accuracy of survey and plat.
- l. Declaration of land ownership.
- m. Title, numerical scale, graphic scale, north arrow, total project acreage and date.
- n. A vicinity map, either as an insert or on a separate sheet, showing the relative location of the proposed subdivision.

- o. A statement, either directly on the plat or in an identified attached document of private covenants, if any.
- p. A copy of the deeds for dedications of public areas to the City of Poulan.

Section 19.30.8 Combined Preliminary and Final Plat Approval Procedure.

Where a single parcel or minor subdivision (defined as not more than three lots) is proposed which will require no new roadways or drainage improvements, the Planning Commission may, at its discretion, allow for combined, one step, review and approval of the proposed development. Such review will entail the filing of a single application and final plat to satisfy the requirements of these regulations.

- a. **Filing:** The developer shall file with the Zoning Administrator an application for one step final plat approval with all specifications and date required for final plat under Section 300.6.

In the case of a single parcel, plat requirements may be waived if the parcel can be adequately described without the use of a plat.

- b. **Application Requirements:** The application shall contain:
 - 1. A letter of application containing the name and address of a person to whom notice may be sent.
 - 2. A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
 - 3. The original reproducible on plastic or linen and a minimum of 10 prints of the final plat.

Section 19.30.9 Minor Subdivisions.

The review and/or approval of minor subdivisions shall be conducted as follows:

- a. Any applicant requesting approval of a minor subdivision, as defined, shall submit to the Zoning Administrator the appropriate number of copies of the subdivision plat **meeting all final plat specifications**, together with an executed application form and prescribed fees.
- b. If the Zoning Administrator approves the minor subdivision, the Zoning Administrator shall affix onto the plat an approval stamp and same shall be forwarded to the Poulan City Council as provided.
- c. The Poulan City Council shall promptly review the certificate of the zoning

Administrator and the minor subdivision plat and act upon the same as provided for a “preliminary” or “final” plat and issue its certificate of approval or state in writing its reasons for disapproval.

No further subdivision of the parent tract or resulting tracts from the minor subdivision will be permitted for three years after the date of final plat approval.

Section 19.30.10 Certificate of Final Plat Approval.

At such time as the final plat may be approved by the Poulan City Council, a certificate of approval shall be inscribed on the plat to indicate such approval.

Certificate by the Poulan City Council: Upon approval by the City Council or after the required 45 days in which the City Council has failed to act on a request for approval, the Council shall cause to be inscribed on the plat the following:

Pursuant to the Subdivision Regulations of the City of Poulan, Georgia, all the requirements for approval having been fulfilled, this final plat was given approval by the Poulan City Council on the _____ day of _____, 200__.

_____ Date

_____ Mayor

Section 19.30.11 Building and Lot Sales.

No building on lots or sale of lots shall take place before the approved and certified final plat is recorded.

Section 19.30.12 Recording of Plat.

The approved and certified final plat shall be filed for record by the developer in the office of the Clerk of the Superior Court of Worth County within 90 days from the date of signing of the plat. The Clerk of Superior Court shall not file or record a plat of a subdivision until such plat has been approved by the Poulan City Council and duly signed by the Mayor thereof. Under Georgia statute, the filing or recording of an unapproved subdivision, as defined by Georgia statute, is a misdemeanor and punishable as approved by law.

Section 19.30.13 Street, Easement Acceptance.

The approval of a plat by the Poulan City Council and its subsequent recording shall not be deemed to constitute an acceptance by the City of any road, easement, or other grounds shown on the plat.

Section 19.30.14 Reserved.

Section 19.30.15 **Revisions.**

No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Poulan City Council has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Poulan City Council. In no case shall the City approve a revision thereof unless the revised plat is clearly stated thereon. In the event that a subdivision plat is revised after having been initially recorded, the revised plat will be clearly marked as such and recorded with the Clerk of Court. At that time, a notation shall be made on the original plat stating that it was revised on a certain date and that the revised plat can be found in Plat Book _____, Page _____.

Sections 19.31 - 19.39 **Reserved.**

**ARTICLE XIII. C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT
REGULATIONS**

Section 18.136 Commercial Planned Unit Developments.

It is the intent of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a group of structures which include two or more retail sales, services, and office enterprises on a single parcel of land.

The minimum size of Commercial Planned Unit Developments shall be three acres.

Within the Commercial Planned Unit Development, the following regulations shall apply:

Section 18.137 Permitted Uses.

- a. Any use permitted in C-1 and C-2 zoning districts.
- b. Recreation facilities.
- c. Churches, community clubs.
- d. Schools.
- e. Governmental functions.

Section 18.138 Procedure for Project Approval.

In connection with all of the above uses, the following requirements shall be complied with before any building permit is issued. The developer shall furnish the Zoning Administrator with appropriate copies of the Letter of Intent and the Development Plans for any use permitted in the Commercial Planned Unit Development, drawn to scale, showing the general location of all buildings, roads, parking area, open areas, sidewalks, and street lighting. Typical elevations of all four sides of the proposed buildings, proposed number of units by type, and floor space shall be submitted (e.g., furniture sales, 800 square feet).

Section 18.139 Procedure for Preliminary and Final Approval.

(In accordance with Article VII, Section 18.78.)

Sections 18.140 - 18.145 Reserved.

d. Cemeteries, provided that a complete site development sketch is submitted with the application.

e. Night clubs and lounges as well as clubs and fraternal organizations not operating for profit, provided that:

1. The buildings are not placed closer than 50 feet to any property lines; and
2. There is a planted buffer strip at least 10 feet wide along the side and rear lot lines.

f. Public buildings, structures, or land uses.

g. Hospitals, clinics, sanitariums, nursing homes, rest homes, residences for aged persons and orphanages, group homes, and half-way homes.

h. Nursery schools, kindergartens, or day care facilities, provided that all State licensing requirements are met.

i. Boarding homes.

j. All radio, cellular phone, or similar transmission/receiving towers and radio studio.

k. Travel trailer parks. (See Article IX.)

l. Adult Businesses. (Note: All adult entertainment establishments shall comply with applicable City Codes pursuant to these businesses.)

Section 18.129 Signs.

(See Article XVIII.)

Section 18.130 Off-Street Parking.

(See Article XVII.)

Section 18.131 Area, Height, and Setback Requirements.

(See Article XIX.)

Sections 18.132 - 18.135 Reserved.

- | | |
|---|---|
| 12. Combined Uses | Parking spaces shall be the total of the spaces required for each separate use established by this schedule. |
| 13. Dance School | One space for each employee, plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students. |
| 14. Duplex Dwelling Unit | One unpaved space per unit; residential driveways will satisfy this need. |
| 15. Financial Institution | One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window. |
| 16. Funeral Home | Six spaces per viewing room or one space for each 50 square feet of chapel used for services. |
| 17. Furniture Store | One space for each 400 square feet of gross floor area. |
| 18. Golf Course | Two spaces for each hole and one space for each two employees, plus requirements for any other use associated with the golf course. |
| 19. Grocery Store (including small type food store) | One space for each 250 square feet of gross floor area. |
| 20. High Schools, Trade Schools, Colleges, and Universities | One space for each teacher, employee, and administrative personnel, plus safe and convenient loading of students, plus five spaces for each classroom. |
| 21. Hospital | One space for each bed, plus one space for each employee (nurse, attendant, etc.) per shift, plus one space for each staff or visiting doctor. |
| 22. Hotel/Motel | One space for each guest room suite or unit, plus one space for each two employees. |
| 23. Indoor and Outdoor Recreational Areas (Commercial) | (a) one space for each 150 square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one space per each four seats or |

ARTICLE XIV. M, MANUFACTURING DISTRICT.

Section 18.146 Statement of Purpose.

The intent of the Manufacturing District is to provide areas for wholesaling, warehousing, storage, manufacturing, processing, repair services, and sales lots in addition to other retail and service establishment; to expand or extend existing districts only where there is adequate and direct access to major transportation facilities and where there is minimum conflict with residential districts.

Section 18.147 Permitted Uses.

- a. Any use permitted in the commercial zone districts.
- b. Manufacturing.
- c. Warehousing, wholesaling, shipping, and receiving.
- d. Agriculture.

Section 18.148 Conditional Uses.

- a. Petroleum bulk plant.
- b. Junkyards, automobile salvage yards, or scrap metal processors. (Site plan with appropriate screening and fencing are required.)
- c. Asphalt plants.
- d. Cement, line gypsum, or plaster of paris manufacturing.
- e. Fat rendering and fertilizer manufacturing.
- f. Paper and pulp manufacturing.
- g. Corrosive acid or alkali manufacturing.
- h. Public buildings and utilities.
- i. Cemeteries. (Site plan required.)
- j. Chemical plants.

- k. Churches. (See Section 18.48a.)
- l. Adult businesses.
- m. Uses similar to the above.

Section 18.149 Protective Screening.

(See Section 18.32.)

Section 18.150 Off-Street Parking.

(See Article XVII.)

Section 18.151 Area, Height and Setback Requirements.

(In accordance with Schedule of Regulations, Article XIX.)

Sections 18.152 - 18.155 Reserved.

ARTICLE XV. FH, FLOOD HAZARD DISTRICT.

Section 18.156 **Statement of Purpose.**

To restrict or prohibit uses which may be dangerous to health, safety, or property in times of flood, or which may cause increased flood heights or velocities; to require that uses vulnerable to floods, including public facilities which serve such uses, be provided with physical flood protection features at the time of initial construction; to protect individuals from buying lands which are unsuited for intended purposes because of flood hazards; and other public requirements to protect against floods.

Section 18.157 **District Boundaries.**

For the purpose of these regulations the Flood Insurance Study for Worth County, as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, is hereby made a part of these regulations. The Housing and Urban Development report shall be kept permanently in the office of the Zoning Administrator, where said reports shall be accessible to the general public. The boundaries of the Flood Hazard District shall be synonymous with the limits of the flood region as determined in the above said study (100-year flood plain).

Section 18.158 **Permitted Uses.**

- a. Single-family residences.
- b. Agriculture, poultry, and livestock raising and riding stables.
- c. Non-commercial recreational facilities involving only light structures primarily purposes of shelter and equipment storage such as fishing lakes, golf courses, tennis courts, archery clubs, swimming pools.
- d. Park and outdoor recreational facilities.

Section 18.159 **Required Plans.**

No permit shall be issued for the construction of any building or structure within the Flood Hazard District until the plans for such construction or use have been submitted to the Planning Commission and approval is given in writing for such construction or use. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

- a. Any structure or the filling of land permitted shall be of a type not appreciably

ARTICLE XVI. NON-CONFORMING BUILDINGS AND USES.

Any lawful use of the land or buildings existing at the date of passage of this ordinance, and located in a district in which it would not be permitted as a new use under the regulations of this ordinance, is hereby declared to be a “non-conforming use” and not in violation of this ordinance at the date of adoption of this ordinance; provided, however, that a non-conforming use shall be subject to, and the owner shall comply with, the following regulations:

Section 18.166 **Non-Conforming Use of Land, Continuation of Use.**

A non-conforming use of land, which exists when this ordinance becomes effective, may be continued provided that:

- a. No such non-conforming use of land shall in any way be expanded or extended.
- b. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

Section 18.167 **Restorations.**

Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, or act of God may be restored to the same non-conforming use as existed before such damage.

Section 18.168 **Discontinuance or Abandonment.**

Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of 12 months shall thereafter conform to the provisions of this ordinance.

Section 18.169 **Change of Tenancy or Ownership.**

There may be a change in tenancy, ownership, or management of an existing non-conforming use.

Sections 18.170 - 18.175 **Reserved.**

ARTICLE XVII. OFF-STREET PARKING AND LOADING REQUIREMENTS.

Section 18.176 Scope of Provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purpose. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Section 18.177 Parking Spaces May Not Be Reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

Section 18.178 Drainage, Construction, and Maintenance.

All off-street parking, loading, and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Section 18.179 Separation from Walkways, Sidewalks, and Streets.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device. Curbing and other protection devices must be set back a minimum of three feet to prevent vehicle overhang.

Section 18.180 Parking Area Design.

Parking stalls shall have a minimum width of nine feet and a minimum length of 18 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90-degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 13 feet wide where used with 45-degree parking, and at least 12 feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least 10 feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Section 18.181 Joint Parking Facilities.

Two or more neighboring uses of the same or different types may provide joint facilities, provided the number of off-street parking spaces are not less than the sum of the individual requirements.

Section 18.182 **Pavement Markings and Signs.**

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrow, and signs shall be properly maintained so as to ensure their maximum efficiency.

Section 18.183 **Number of Parking Spaces.**

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

Section 18.184 **Street Parking Requirements.**

In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected or enlarged after their effective date of this ordinance shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the Zoning Administrator, that he/she is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use or that he/she is the lessee of such property.

Section 18.185 **Location of Parking Space for Other Land Uses.**

The off-street parking facilities required for all other uses shall be located on the lot or within 1000 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

Section 18.186 **Off-Street Parking Standards.**

USE	NUMBER OF PARKING SPACES REQUIRED
1. Apartments and Multi-family Dwellings	Two spaces for each dwelling unit, plus one space for each 10 units for travel trailers, boats and other

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
25. Kindergarten, Nursery Schools, and Day Care	One space for each employee, plus safe and convenient loading of children.
26. Nightclubs	One space for each 100 square feet of gross floor area, plus one space for each employee.
27. Nursing Home	One space for each two beds, plus one space for each employee on shift of greatest employment.
28. Office, Professional Building, or similar use	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
29. Personal Service Establishment	One space for each 350 square feet of gross floor area or one space for each two employees, whichever is greater.
30. Repair Shop	One space for each 300 square feet of gross floor area, plus one space for each employee.
31. Restaurant or place dispensing food, drink, or refreshments to be consumed on the premises	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces.
32. Restaurant or place dispensing food, drink, or refreshments for carry-out only (and having out-door seating area)	One space for each 150 square feet of gross floor area (with a minimum of 10 parking spaces for this), plus one additional space for each three outdoor seats provided.
33. Restaurant of place dispensing food, drink, or refreshments for carry-out only (no seating provided)	One space for each 150 square feet of gross floor area with a minimum of 10 parking spaces.
34. Restaurant or place dispensing food, drink, or refreshments to be consumed on premises and also having a drive-	One space for each 100 square feet of gross floor area with a minimum of 10 parking spaces and providing an adequate lane for thru traffic which

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| thru service | will not obstruct required parking and driveway for the restaurant. |
| 35. Schools, Elementary | One space for each teacher, one space for each two employees and administrative personnel, and one space for each classroom, plus safe and convenient loading and unloading of students. |
| 36. Shopping Center (if over 35,000 square feet of gross floor area) | One space for each 300 square feet of gross floor area. |
| 37. Shopping Center (if 35,000 square feet or less of gross feet area) | One space for each 350 square feet of gross floor area. |
| 38. Swimming Pool | One space for each 200 square feet of water surface area, plus requirements for additional uses in association with the establishment, such as a restaurant, etc. |
| 39. Trailer Park | One space for each trailer stall, plus one space for each two employees. |
| 40. Retail Stores of all types not mentioned otherwise. | One space for each 300 square feet of gross floor area. |
| 41. Wholesale Establishment | One space for each employee, plus sufficient spaces to accommodate vehicles used in the conduct of the business. |

Section 18.187 Off-Street Loading Requirements.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

	facilities available for patron use, whichever is greater.
24. Industrial or Manufacturing Establishment or Warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
25. Kindergarten, Nursery Schools, and Day Care	One space for each employee, plus safe and convenient loading of children.
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Section 18.187 Off-Street Loading Requirements.

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Such loading and unloading space, unless otherwise adequately provided for, shall be an area 10 feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 10,000	None
10,001 - 100,000	One space for the first 10,001 square feet, plus one additional space for each additional 40,000 square feet in excess of 10,001 square feet.
100,000 - 500,000	Three spaces for the first 100,001 square feet, plus one space for each additional 100,000 square feet in excess of 500,001 square feet.

Section 18.188 **Minimum Number of Loading Spaces Required.**

Industrial, wholesale, and retail operations shall provide space as follows:

a. Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

b. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.

c. Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the City.

Sections 18.189 - 18.190 **Reserved.**

ARTICLE XVIII. SIGN REGULATIONS.

Section 18.191 Signs Shall Meet Requirements of this Section.

All signs within the City shall be erected, constructed, or maintained in accordance with the provisions of the sections below and applicable sections of the City Building Code, and only those signs that are permitted by these regulations shall be erected within the City.

Section 18.192 No Signs Shall Hamper Traffic Safety.

No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of-way.
- b. Would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
- c. Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.
- d. Uses admonitions, such as “stop”, “go”, “slow”, “danger”, etc., which might be confused with traffic directional signals.

Section 18.193 Locations Prohibited.

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural object. No signs other than those signs erected by public governmental agencies or signs required by law, shall be placed so as to overhang any portion of public rights-of-way or other public properties.

Section 18.194 Illumination Not to Be a Nuisance.

Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and/or approaching vehicles.

Section 18.195 Signs Not Requiring a Permit.

The following signs shall not require a permit:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.

- c. Warning signs and no trespassing signs.
- d. Signs established by governmental agencies.
- e. Signs indicating bus stops, taxi stands, and similar transportation facilities.
- f. Signs not exceeding 10 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
- g. Temporary real estate signs on a residentially zoned piece of property shall be limited to a maximum of 10 square feet, and temporary real estate signs in any zones other than residential should be a maximum of 32 square feet.
- h. Any sign not exceeding 10 square feet in area other than advertising, separate use, or signs requiring electrical wiring.
- i. Temporary signs on private land involved in campaigns and religious, charitable, civic, fraternal, political, and similar organizations.

Section 18.196 Maximum Area of Signs.

- a. The maximum area of a point of business sign, an incidental use sign, or an identification sign shall be 150 square feet; except in R-1, R-2, and C-1 Zones, all signs (except identification sign and signs as identified in Section 18.195) shall be no larger than ten square feet in area and shall not be illuminated directly or indirectly.
- b. The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or trim.
- c. The maximum area of a portable sign shall be 40 square feet.
- d. A temporary sign for a non-conforming business shall not exceed a maximum of 32 square feet.
- e. Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

Section 18.197 Standards for Off-site Advertising Signs (Billboards).

- a. Location where allowed: Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:
 - 1. C-2 (Highway Commercial)

2. M (Manufacturing)
- b. Off-site Advertising Sign Requirements:
1. Sign Surface Area (Maximum) - 750 square feet per face
 2. Maximum number of signs - Two signs per sign structure which may be single- or double-faced, provided that each side shall have no more than 750 square feet.
 3. Height (Maximum) -
 - (a) Arterial Street Location - 45 feet
 - (b) All other locations where allowed - 18 feet
 4. Minimum clearance required under sign will be 10 feet.
 5. Minimum Setback - Five feet from the nearest right-of-way line; and 10 feet from the right-of-way line intersection point measured at any angle.
 6. Minimum Spacing - 300 feet on the same side of the road from another off-site sign.
- c. Priority of Signs:

Where the location of two or more off-site advertising signs conflicts under the requirements of this ordinance, the sign meeting the requirements of this ordinance and having the earliest dated permit for its erection shall have priority over other signs in conflict herewith.

d. Off-site advertising signs shall not be established at any location having principal frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, or residential districts including AG, R-1, R-2, and C-1 Zones.

e. No revolving or rotating beam or beacon or light that resembles or simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. Within 30 days from the effective date of this ordinance this provision must be complied with.

f. External lighting, such as floodlights, thin line, and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within 30 days from the effective date of this ordinance, this provision must be complied with.

Section 18.198 **Issuance of Permits, Administration, and Filing Procedure.**

a. **Issuance of Permits:** No sign, except those listed in Section 18.195 shall be erected, hung, or placed or structurally altered without a permit from the Zoning Administrator.

b. **Filing Procedure:** Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by plans showing the area of the sign, size, and character, and the method of illumination, if any, the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

c. **Additional Information:** Each applicant shall, upon the request of the Zoning Administrator, submit any additional information deemed necessary by said administrator.

Section 18.199 **Signs on Residential Property.**

No signs of any kind shall be permitted on residential properties in the City except signs identifying the name of the occupant and the address of the premises, and signs advertising a home occupation business as defined and permitted in Article II and other provisions of this ordinance.

Section 18.200 **Reserved.**

ARTICLE XIX. AREA, HEIGHT, AND SETBACK REQUIREMENTS.

Section 18.201 Schedule of Regulations.

Zoning Districts	Minimum Lot Area Sq. Ft.	Minimum Lot Width Ft.	Front Yard Ft.	Side Yard Ft.	Rear Yard Ft.	Maximum Height Ft.	Minimum Dwelling Size (Sq. Ft.)
R-1	15,000	100	40	10	40	35	800
R-2: Single-Family	10,000	100	30	8	30	35	800
Two-Family	7,000	100	30	8	30	35	800
Multi-Family	3,630	100	30	8	30	35	800
R-MHP	25 acres	-	-	-	-	35	800
R-PUD	(A)(B)	(A)(B)				(A)(B)	800
C-1	-	100	30	-	-	-	
C-2	-	-	30	5	-	-	
C-PUD	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	(A)(C)	
M	-	-	30	20	20	-	
AG	15,000	100	40	10	12	35	
FH	15,000	100	40	10	50	35	800

(A)(B)(C), etc., denotes references to Footnotes to Schedule of Regulations, next page.

***Minimum lot size requirements noted in this schedule** are for developments with both a public or community water supply and public sewerage system. NOTE: All residential lots served by a public water system and an on-site sewerage disposal system shall have a minimum lot area of 21,780 square feet. All residential lots not served by a public water system or a public sewerage system shall have a minimum lot area of 43,560 square feet. Lot sizes shall comply with the on-site

sewerage management systems manual and any state or federal law, rule, or regulation requiring the amendment of lot sizes as promulgated by state or federal authorities from time to time. (Consult Worth County Health Department).

Development within the R-1, R-2, R-MHP, R-PUD, and AG Districts shall be in accordance with the densities identified in the Land Use and Development Plan.

Minimum Lot Width at the road right-of-way and at the minimum building setback line shall be 150 feet along local roads, 250 feet along collector roads, and 300 feet along arterial roads. The minimum building setback from the right-of-way shall be 150 feet on local roads, 200 feet on collector and arterial roads, excluding lots in major subdivisions.

FOOTNOTES OF ARTICLE XIX SCHEDULE OF REGULATIONS

a. **PLANNED UNIT DEVELOPMENTS.** The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings in lots of record, would in certain cases of large-scale developments have results affording less protection to the public health, safety, and welfare than if a measure of flexibility were permitted. The permitting of these planned unit developments can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects in adjoining properties.

Therefore, the zoning regulations, relative to area, height, bulk, and placement, may be modified by the Planning Commission and City Council in the case of a plan for a large scale development which in the judgment of the Planning Commission and City Council provides adequate open space and improvements for circulation, recreation, education, light, air, and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed that of the zoning regulation requirements, and provided further that the minimum site for residential planned unit development is three acres.

b. Refer to Section 18.66(R-PUD).

c. Refer to Section 18.136 (C-PUD).

Sections 18.202 - 18.205 Reserved.

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT.

Section 18.206 Enforcement.

The Zoning Administrator shall administer and enforce this ordinance and is hereby given the authority and responsibility to enforce all provisions of this ordinance under the direction of the City Council which includes, but is not limited to, the following duties:

- a. To serve as a liaison between the Worth County Planning Commission and the City Council keeping each body advised of pending actions pertaining to zoning.
- b. To serve as a non-voting Ex-Officio member of the Planning Commission to provide technical assistance in matters relating to zoning requests.
- c. To maintain in a timely and current manner the Official Zoning Maps reflecting thereon any and all rezoning amendments approved by the City Council. Amendments of the Official Zoning Map will be posted by the Zoning Administrator within seven calendar days following approval of such action by the City Council.
- d. To perform any other rezoning duties as directed by the City Council.

Section 18.207 Permits.

The following shall apply in the issuance of any permits.

- a. Permits Required. It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of any existing building without first obtaining a building permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and with the Building Code.

No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.

Section 18.208 Certificates of Occupancy.

It shall be unlawful to use or permit the use of land, building, or structure for which a building permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator has issued a Certificate of Occupancy stating that the provisions of this ordinance have been complied with.

a. Certificate Validity. The Certificate of Occupancy as required for new construction of or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this ordinance.

b. Temporary Certificate. Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire buildings or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the buildings or structure are in conformity with the provisions of this ordinance.

c. Records of Certificates. A record of all Certificate of Occupancy shall be kept in the office of the Zoning Administrator and copies of such certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

d. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy but rather may be included in the Certificate of Occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

e. Application for Certificates. Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection of alteration of such building shall have been completed in conformity with the provisions and requirements of this ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within 10 days.

Section 18.209 **Fees.**

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the City Council from time to time and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

Section 18.210 **Amendments.**

The City Council may amend, supplement, or change the regulations or the district boundaries as established in this ordinance. The procedure for submitting a request for an amendment to this ordinance or district boundaries of the official Zoning Map shall be as follows:

a. The applicant shall complete and submit to the Zoning Administrator a rezoning application at least 20 days prior to the next scheduled Planning Commission meeting. Completed

applications submitted less than 20 days will not be considered for that meeting.

b. At the time of the application submittal, the application shall deposit the appropriate fee amount with the Zoning Administrator to cover the cost of processing the application.

c. Within 10 days of the next scheduled Planning Commission meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Planning Commission members and all other relevant personnel.

Section 18.211 **Zoning Policies and Procedures.**

The following policies and procedures are herein established to provide guidelines for the following zoning activities:

a. The adoption of a new City Zoning Ordinance.

b. The adoption of an amendment to the Zoning Ordinance which changes the text of the ordinance (Text Amendment).

c. The adoption of an amendment to a Zoning Ordinance Map which rezones property from one zoning classification to another (Map Amendment).

d. The procedure requirements for zoning amendments sponsored by the City Council.

e. The procedure requirements for zoning amendments sponsored by a citizens or property owner.

Section 18.212 **Policies and Procedures for City Initiated Zoning Activities:**

a. In the case of developing an initial zoning ordinance (map and text) or updating or amending an existing zoning plan, the Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans, or other relevant documents as a resource for ordinance development or ordinance amendment. The City Council and the Planning Commission will each hold at least one public hearing on any new zoning ordinance development or any proposed amendment to the current zoning ordinance.

b. Upon the completion of a preliminary zoning document by the Planning Commission and after such document has been presented to and reviewed by the City Council, public hearings will be scheduled by both the Planning Commission and the City Council, respectively. The official public hearing will be held by the Planning Commission, and public notice of such hearing will be given no less than 15 days nor more than 45 days prior to the official hearing date.

c. Public hearing notices will be published in a newspaper of general circulation within

the City for two consecutive weeks prior to the official public hearing date. The public hearing notice will state the time, place, and purpose of the hearing.

d. All amendments to any existing zoning plan must be reviewed by both the Planning Commission and the City Council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the City Council shall have the Planning Commission prepare an evaluation of each such proposed rezoning considering each of the following factors:

Rezoning Criteria:

1. Does the proposed zoning classification promote the health, safety, moral or general welfare?
2. The existing uses of the subject property and adjacent and near properties.
3. The current zoning of the subject property and adjacent or near properties.
4. The extent to which property values are diminished by the present zoning restrictions.
5. The extent to which the restrictions diminishing property values promotes the health, safety, morals, or general welfare of the public.
6. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
7. The suitability of the subject considered under the proposed zoning.
8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
9. Conformity with the Worth County Land Use Plan.

e. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

f. The preside of each respective public hearing will review for those present the following operating procedures for the public hearing.

1. Each side of a zoning issue will be allowed a minimum of 10 minutes per side for the presentation of data, evidence, and opinions.
2. In order for a person in attendance to speak, such person must be recognized

by the Chair. Upon rising to speak, the person recognized will first identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.

3. Additional persons will be recognized per the above procedure for the purpose of addressing additional elements of the proposed zoning or to make additional points with regard to elements already addressed but not to rehash points already made.
4. Appropriate notes or minutes will be recorded by the City Council and the Planning Commission at their respective public hearings.

g. The Planning Commission shall prepare and submit the necessary minutes, evaluations, and/or recommendations to the City Council prior to the City Council's public hearing.

h. The City Council at its public hearing will review the evaluation and recommendations from the Planning Commission and may choose to adopt, reject, or modify the Planning Commission recommendations or the business may be tabled for additional study to the next regular Council meeting.

Section 18.213 **Procedures for Rezoning Property Requested by Citizen/Property Owner.**

a. An application for rezoning must be filed with the Zoning Administrator on a prescribed form and fees paid as set by the City Council.

b. The Zoning Administrator will inform the applicant of the public hearing dates. The Planning Commission will convene a public hearing on each proposal. The official public hearing will be held by the Planning Commission and public notice of such hearing will appear no less than 15 days nor more than 45 days prior to the official public hearing.

c. Official public notices will be published in a newspaper of general circulation in the City for two consecutive weeks prior to the official public hearing date.

d. The public hearing notice will name the applicant, the location of the property to be affected, the present zoning classification, the proposed zoning classification, and the date, time, and place of both the Planning Commission hearing and the public hearing to be held by the City Council.

e. The Zoning Administrator shall have erected on the property for which rezoning is to be considered a sign of no less than 17 inches by 24 inches announcing the public hearings, stipulating the dates, times, and places for the two hearings, the present zoning classification and the proposed zoning classification. The sign shall be clearly visible from a public street. It shall be

erected not less than 15 days prior to the official public hearing date. (Planning Commission).

f. Any application for rezoning of a particular parcel of property which is denied by the City may not again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the rezoning request.

g. Prior to the filing of an application for rezoning, the citizen/property owner or his/her engineer or agent is required to consult with the Zoning Administrator and other appropriate City departments for the purpose of facilitating the review process. As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the City, advise the citizen/property owner, within 60 days, of the extent to which the rezoning conforms to the plans of the City and will advise what procedures must be undergone in the rezoning process. The Planning Commission may extend the review period one time up to 30 days based on unusual and unforeseen conditions.

h. Any application for rezoning of a particular parcel of property will include a development plan of the proposed development in sufficient detail to assist in facilitating the review and rezoning process. The development plans should include at a minimum: (a) approximate tract boundaries; (b) approximate location with respect to land lot lines; (c) streets on and adjacent to the subject tract; (d) proposed general street layout; (e) significant topographic, physical, and historic features; (f) generalized existing vegetation; (g) proposed general lot layout; (h) total number of lots; and (i) building footprints where applicable.

Section 18.214 City of Poulan Enforcement Ordinance.

The City Council of the City of Poulan is hereby authorized to adopt, after a public hearing, such written regulations as may be necessary for the proper enforcement of the provisions of City ordinances. These additional regulations shall have the same effect as all provisions of this ordinance, and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of City ordinances as hereinafter provided.

a. Violations. In cases where a violation of City ordinances has been determined by the Zoning Administrator, the Zoning Administrator shall notify the owner of the property on which such violation is found by certified mail, sent to the address of the property owner as it appears in tax information. If the owner of the development is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the development. In the case that no valid mailing address can be obtained, or if the certified mail is returned to the Zoning Administrator, the notice of violation may be hand-delivered to the person deemed responsible for said violation. The notice of violation shall clearly state the nature of the violation, including specific provisions of this Article which have not been complied with, and the date by which said violations will be remedied. Said date will be determined by the Zoning Administrator based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the certified mail was received. In cases where the notice of violation is hand-delivered, the date upon which said violation(s) will be

remedied shall not exceed 30 days from the date of delivery.

b. Issuance of Stop Work Orders. The Zoning Administrator is authorized to issue stop work orders in any instance where a violation of City ordinances is found. The procedure for issuance of stop work orders shall be the same as the notification procedure for violations, as specified in Section 18.222, VIOLATIONS AND PENALTIES.

c. Procedure for Non-Compliance. In cases where a violation has occurred and the violator has not remedied the violation within the specified time period, or in cases where stop work orders have not been fully complied with, the Poulan Police Department, upon written notification from the Zoning Administrator of such violation or non-compliance, shall issue a citation requiring appearance in the Municipal Court of the City of Poulan and, upon conviction, shall be subject to a fine not to exceed \$500 or incarceration not to exceed 30 days, or by either fine, incarceration, or both in the discretion of the court. Each and every day that such a violation exists shall be deemed a separate offense.

Section 18.215 **Conflict with Other Ordinances and Effect or Partial Invalidity.**

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Poulan existing on the effective date of this ordinance, the provision which, in the judgment of the City Council of the City of Poulan, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail. Such other ordinances which establish a lower standard for the promotion and protection of the health and safety of the people are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective on the _____ day of _____, 2001.

Sections 18.216 - 18.220 **Reserved.**

**ARTICLE XXI. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY,
CONFLICT, AND EFFECTIVE DATE.**

Section 18.221 Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this ordinance to interfere with, abrogate, or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces or larger lot areas than are imposed or required by any other means, the provisions of this ordinance shall control.

Section 18.222 Violations and Penalties.

Any person violating, neglecting, or refusing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 18.223 Validity.

This ordinance and the various articles, sections, paragraphs, and clauses contained in said ordinance are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Section 18.224 Conflicting Provisions Repealed.

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 18.225 Effective Date.

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Poulan and are hereby ordered to be given immediate effect from and after the date of its passage.

Sections 18.226 - 18.230 Reserved.

ARTICLE XII. C-2, GENERAL COMMERCIAL DISTRICT.

Section 18.126 Statement of Purpose.

The purpose of the General Commercial District is to provide for and encourage areas for development which will include a wide variety of sales and services that will accommodate the needs of the City. Adequate off-street parking, adequate building setbacks, and reduction of traffic hazards are prime City objectives for development in these business districts.

Section 18.127 Permitted Uses.

- a. All permitted uses in the C-1 District.
- b. Any retail or service establishment.
- c. Bottling and canning plants.
- d. Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers, and lockers.
- e. Commercial greenhouses and nurseries.
- f. Small fabrication and manufacturing shops, when employing not more than 25 employees in the office and manufacturing operations, such as small tool and die shops, dental, surgical, and optical goods manufacturing.
- g. Travel Trailer Parks. (See Article IX.)

Section 18.128 Conditional Uses.

- a. Churches, provided that the proposed site for a church is not less than one acre, a complete site development sketch is submitted with the application, and provision is made for off-street parking.
- b. Public and private schools.
- c. Recreational developments including, but not limited to, private or public lakes, swimming pools, golf courses or driving ranges, or other recreational developments, provided that a comprehensive development plan for the area is submitted to the Planning Commission and includes the location of the site on maps of not less than one inch = 400 feet scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water of sanitary facilities, plus a time schedule.